

# Attendance Sheets

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

Date: 03/16/2017

Regular Meeting  
of the  
Dutchess County Legislature

Thursday, March 16, 2017

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

Roll Call by the Clerk of the Legislature

PRESENT: 22 Borchert, Miccio, Bolner, Strawinski, Black, Brendli, Coviello, Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger, Nesbitt, Rieser, Roman, Sagliano, Surman, Thomes, Truitt, Tyner, Washburn

ABSENT: 3 Amparo, Forman, Pulver

PRESENT, LATE: 0

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Reverend Bruce Chilton, followed by a moment of silent meditation.

**Proclamations, Commendations, and Presentations**

Commendation: Harry Baldwin

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

Pete Redmond, LaGrange, spoke in opposition to anchorage sites on the Hudson River.

Charles Davenport, Wappingers Falls, spoke in opposition to anchorage sites on the Hudson River.

Elizabeth Armstrong, Town of Poughkeepsie, spoke in opposition to anchorage sites on the Hudson River.

Ben Schwartz, spoke in opposition to anchorage sites on the Hudson River.

Patricia O'Connor, Milan, spoke in opposition to anchorage sites on the Hudson River.

Constantine Kazolias, City of Poughkeepsie, spoke in opposition to anchorage sites on the Hudson River.

Peter Scofield, LaGrange, spoke in opposition to anchorage sites on the Hudson River.

Adam Huell, Beacon, spoke in opposition to anchorage sites on the Hudson River.

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

Chairman Borchert entertained a motion to approve the February 2017 minutes.

The February 2017 minutes were adopted.

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

Legislator Flesland spoke on recent drug collection sites for the public to drop off prescription medication no longer needed.

Legislator Bolner stated that the Tick Task Force will be holding an Educational Forum on May 10 at the Pleasant Valley Fire House.

## **COMMUNICATIONS RECEIVED FOR THE MARCH 2017 BOARD MEETING**

Received from Dutchess County Clerk, February Mortgage Tax Collections.

Received from Dutchess County Executive, Order of Succession.

Received from New York State Department of Taxation and Finance, 2017 County Tax Apportionment.

Received from Orleans County Legislature:

Resolution No. 62-217- Supporting an Increase in the Share of Revenue Counties Retain for Providing State DMV services, and

Resolution No. 71-217- Urging New York State to Fund Probation Departments and Other Impacted County Departments and Agencies the Full Costs Associated with Raising the Age of Criminal Responsibility to 18 Years of Age, and

Resolution No. 81-217- Supporting Legislation to Partially Repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 Outside of New York City.

Received from Dutchess County Budget Office, Contingency and Capital Reserve Account Status.

Received from Jennifer Shagan, Email regarding comments during February Board Meeting.

Received from Monroe and Erie County Legislature, Letter to Governor Andrew Cuomo regarding unfunded mandates imposed on local municipalities in New York State.

Received from Maria Rabasco, phone call to support for the need of Mental Health Services for Children in Dutchess County.

Received from Dutchess County Water and Wastewater Authority, Meeting Agenda for February 15, 2017, and unapproved minutes from December 21, 2016, and January 18, 2017.

Received from Dutchess County Emergency Medical Services Task Force, Final Report.

Received from County of Lewis, Resolution No. 117-2017 Resolution urging New York State to Fully Fund Probation Departments and Other Impacted County Departments and Agencies with 100% Funding for Costs Associated with Raising the Age of Criminal Responsibility to 18 Years of Age.

Received from Town of Lagrange, Notice of Public Hearing by the Town Board of the Town of LaGrange on April 12, 2017 at 7:00 pm regarding the following: A local law of the Town of LaGrange, Dutchess County, New York, to amend subsections 240-49(G)(5)(a), (G)(5)(b), and (G)(5)(c) of section 240-49 of the LaGrange Town Code.

Received email from the following, Supporting the adoption of a Resolution on Public Safety and Sanctuary:

Lois Walden, Red Hook

Rima Liscum, Rhinebeck

Susan M. Pelosi

Felicia Keesing, Tivoli

Ricky Zehavi, Red Hook

Beka Goedde, Red Hook

Miriam Altshuler, Red Hook

Ana Sanjuan, Red Hook

Simeen Sattar, Hudson

Arthur Chandler, Tivoli

Tricia Paffendorf

Sam Lozoff, Beacon

RESOLUTION NO. 2017037

RE: AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY SHERIFF (A.3110)

Legislators ROMAN, BOLNER, SAGLIANO, PULVER, THOMES, TRUITT, LANDISI, JETER-JACKSON, INCORONATO, and HORTON offer the following and move its adoption:

WHEREAS, the Sheriff has requested the appropriation of asset forfeiture proceeds, and

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

WHEREAS, the Sheriff has requested that the sum of \$10,903 be placed in the Sheriff's Asset Forfeiture accounts to be used for the purchase of Tri-Centennial badges as indicated below, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized and directed to amend the 2017 Adopted County Budget as follows:

APPROPRIATIONS

Increase

A.3110.05.4190                      Uniforms, Accessories                      \$10,903

REVENUES

Increase

A.3110.05.26260.02                      Forfeiture – Restricted Sheriff                      \$10,903

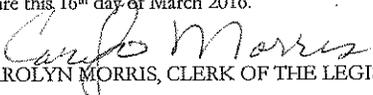
CA-029-17  
CRC/kvh/G-0222  
02/06/17  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/22/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS  
(To be completed by requesting department)

Total Current Year Cost \$ 10,903

Total Current Year Revenue \$ 10,903  
and Source

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

Identify Line Items(s):  
A.3110.05.4190 Uniforms, Accessories  
A.3110.05.26260.02 Forfeiture - Restricted Sheriff

Related Expenses: Amount \$

Nature/Reason:  
The Sheriff's Office has been awarded \$10,903 which is Asset Forfeiture Funds. Request to appropriate these funds to the Sheriffs A.3110.05 Budget

Anticipated Savings to County:

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

Additional Comments/Explanation:  
Funds will be utilized to purchase Tri-centennial badges at a cost of \$12,800 the balance to be supplemented by the DCDSPBA.

Prepared by: Maureen Sarigianis

Prepared On: 1/23/2017

# Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*		
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt (VC)		
District 4 - Town of Hyde Park	Black	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman (C)		
District 6 - Town of Poughkeepsie	Flesland		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 21 - Town of East Fishkill	Horton		
Present: <u>10</u>	Resolution: <u>✓</u>	Total: <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <u>    </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2017037 AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY SHERIFF (A.3110)

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total: 22 0  
 Yes No  
 Abstentions: 0

2017037 AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DUTCHESS COUNTY SHERIFF (A.3110)

Date: March 16, 2017

RESOLUTION NO.2017038

RE: AMENDING THE 2017 ADOPTED COUNTY BUDGET AS  
IT PERTAINS TO THE DISTRICT ATTORNEY (A.1165.05)

Legislators ROMAN, BORCHERT, BOLNER, PULVER, FLESLAND, TRUITT, SAGLIANO, JETER-JACKSON, INCORONATO, LANDISI and HORTON offer the following and move its adoption:

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

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

WHEREAS, the District Attorney has requested that the sum of \$23,285 be placed in various District Attorney Asset Forfeiture accounts to be used for the purchase of equipment, office supplies and training expenses, listed on the attached Asset Forfeiture Expenditure sheet, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized and directed to amend the 2017 Adopted County Budget as follows:

APPROPRIATIONS

Increase

A.1165.05.4160	Office supplies	\$ 7,310
A.1165.05.4160.115	Office Supplies-Software Prod. & Licenses	\$ 600
A.1165.05.4320	Property Insurance	\$ 700
A.1165.05.4631	Training Seminars/Conference	\$ 6,000
A.1165.05.4650	External Postage	\$ 175
A.1165.05.4750	<b>Other Equipment – ND</b>	<b><u>\$ 8,500</u></b>
		<b><u>\$23,285</u></b>

REVENUES

Increase

A.9998.95110.01                      Forfeiture – State Reserve

\$23,285

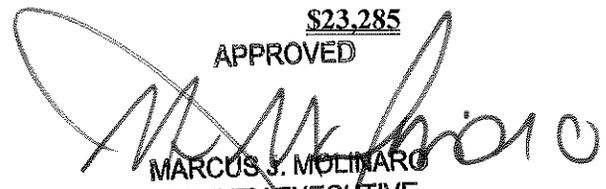
CA-030-17  
LDF/kvh/G-0135  
02/08/17 rsd. 03/06/17  
Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

APPROVED

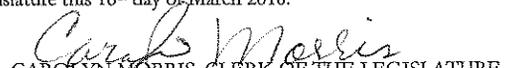


MARCUS J. MOLINARO  
COUNTY EXECUTIVE

Date 3/22/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 23,285

Total Current Year Revenue \$ 23,285  
and Source

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

Identify Line Item(s):  
Please see attached spreadsheet

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

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

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

#### Additional Comments/Explanation:

This resolution is to appropriate Asset Forfeiture Funds (A.9998.95110.01 - Asset Forfeiture State - Reserve) to enable the purchase of equipment, etc. listed on the attached Asset Forfeiture Expenditure sheet.

Prepared by: Gina Barry / Heidi Owens

Prepared On: 3/6/2017

## Asset Forfeiture Expenditures

<b>.60 - Office Supplies</b>		
Miscellaneous Office Supplies	5,000.00	Dutchess County District Attorney
Mobile Mailbox	360.00	Dutchess County District Attorney
First Aid Kits (Five)	250.00	Dutchess County District Attorney
Pro Plus Veridesk	450.00	DCDA - Drug Task Force
Desk	500.00	DCDA - Drug Task Force
L-Desk Attachment	400.00	DCDA - Drug Task Force
Center Drawer for Desk	100.00	DCDA - Drug Task Force
Chair	250.00	DCDA - Drug Task Force
<b>TOTAL:</b>	<b>7,310.00</b>	
<b>4160.115 - Office Supplies-Software Product &amp; Licenses</b>		
Ecopy license update renewal	600.00	Dutchess County District Attorney
<b>TOTAL:</b>	<b>600.00</b>	
<b>4320 - Property Insurance</b>		
Insurance for Service Dog	700.00	DCDA - Drug Task Force
<b>TOTAL:</b>	<b>700.00</b>	
<b>4631 - Training Seminars/Conf</b>		
Training/CLE Credits for Assistant District Attorneys	6,000.00	Dutchess County District Attorney
<b>TOTAL:</b>	<b>6,000.00</b>	
<b>4650 - External Postage</b>		
Mobile Mailbox Shipping	175.00	Dutchess County District Attorney
<b>TOTAL:</b>	<b>175.00</b>	
<b>4750 - Other Equipment-ND</b>		
Narcotics Detection K-9	8,500.00	Dutchess County Sherriff
<b>TOTAL:</b>	<b>8,500.00</b>	
<b>TOTAL TO BE APPROPRIATED:</b>	<b>23,285.00</b>	
<b>TOTALS BY PROGRAM</b>		
Dutchess County District Attorney	12,385.00	
DCDA - Drug Task Force	2,400.00	
Dutchess County Sherriff	8,500.00	
<b>TOTAL TO BE APPROPRIATED:</b>	<b>23,285.00</b>	

Discussion on Resolution No. 2017038 proceeded as follows:

Legislator Rieser requested the countywide policy on asset forfeiture.

Roll call on the foregoing resolution resulted as follows:

YES:           22    Borchert, Miccio, Bolner, Strawinski, Black, Brendli, Coviello,  
                          Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger,  
                          Nesbitt, Rieser, Roman, Sagliano, Surman, Thomes, Truitt,  
                          Tyner, Washburn

NAYS:          0

ABSENT:       3    Amparo, Forman, Pulver

Resolution adopted.

# Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*		
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt (VC)		
District 4 - Town of Hyde Park	Black	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman (C)		
District 6 - Town of Poughkeepsie	Flesland		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 21 - Town of East Fishkill	Horton		
Present: <u>10</u>	Resolution: <u>✓</u>	Total : <u>10</u>	<u>0</u>
Absent: <u>2</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

**2017038** AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DISTRICT ATTORNEY (A.1165.05)

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
District 17 - Town and Village of Fishkill	Miccio		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 20 - Town of Red Hook	Strawinski		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
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District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Forman	<i>absent</i>	
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

Present: 22      Resolution:       Total : 22      0  
 Absent: 3      Motion:       Yes      No  
 Vacant: 0      Abstentions: 0

2017038 AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DISTRICT ATTORNEY (A.1165.05)

Date: March 16, 2017

RESOLUTION NO. 2017039

RE: CONFIRMING NEW APPOINTMENT AND REAPPOINTMENT TO THE TRAFFIC SAFETY BOARD

Legislators ROMAN, BORCHERT, BOLNER, SAGLIANO, LANDISI, JETER-JACKSON, FLESLAND and HORTON offer the following and move its adoption:

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

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

WHEREAS, a vacancy presently exists on the Board and the term of William Steenbergh has expired and said member shall be reappointed, and

WHEREAS, a vacancy remains after the aforementioned reappointment and a new appointment of Melchiorre Bruschetti is made, and

WHEREAS, the County Executive has made the above referenced appointment and reappointment, now, therefore, be it

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

**REAPPOINTMENT:**

Captain William Steenbergh  
Arlington Fire Department  
11 Burnett Blvd., Poughkeepsie, NY 12603

**TERM:**

01/01/16-12/31/18

**NEW APPOINTMENTS:** (new term)

Sergeant Melchiorre Bruschetti  
Town of Poughkeepsie Police Department  
19 Tucker Drive, Poughkeepsie, NY 12603  
CA-035-17  
AMS/kvh/G-202 02/16/17

01/01/17-12/31/19

APPROVED



MARCUS J. MOLINARO  
COUNTY EXECUTIVE

STATE OF NEW YORK

ss:

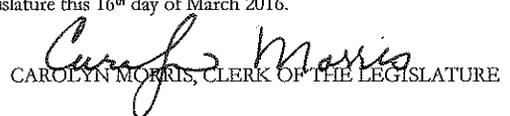
COUNTY OF DUTCHESS

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 16<sup>th</sup> day of March 2016 and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date

3/16/16

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 16<sup>th</sup> day of March 2016.



CAROLYN MORRIS, CLERK OF THE LEGISLATURE

# Melchiorre Bruschetti

17 Cuomo Drive • Highland, NY 12528 • (845) 489-4991 • [Mbruschetti@aol.com](mailto:Mbruschetti@aol.com)

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**Objective:** To become a member of the Dutchess County Traffic Safety Board, where I can apply my extensive knowledge in traffic safety. If afforded this opportunity, I would dedicate my time, experience, and training to fulfill the mission statement of the DCTSB by being committed to ensuring that our streets, sidewalks, and residents remain safe and secure. My professional experience and qualifications relevant to this position include, but are not limited to:

**Professional Experience:** **Town of Poughkeepsie Police Department**

*Traffic Sergeant*- January 2017-Present

- Oversee daily operations of the traffic division
- Create and maintain department statistics
- Budget and schedule enforcement details
- Supervise crash investigations

*Patrol Sergeant*- January 2016-January 2017

- Brief squad officers during line-up and conduct training
- Oversee officers as they respond to calls
- Ensures department objectives are followed through
- Evaluate officers job performance
- Review and approve reports submitted by officers

*Traffic Enforcement Officer*-September 2008-January 2016

- Responsible for scheduling, and the collaboration of all radar and breath instruments
- Perform weekly Supervisor tests of Datamasters and BTO Book inspection
- Manage the recordkeeping for the blood form kits, and instruct the traffic clerk when to order additional blood/urine kits and forms
- Complete detailed reports when investigating accidents, along with depositions of witness/victims/suspects
- Testify at refusal hearings, grand jury, along with criminal cases
- Knowledge of court room proceedings as they pertain to vehicle and traffic law and experience in prosecuting traffic violations
- Instructed at NYPD and NYSP Academies, as well as local, and county police academies

*Patrol Officer* -June 2004-September 2008

- Ensure public safety including the prevention and detection of crime, traffic control, the preservation of peace and order, and the arrests of violators
- Conducted Felony, Misdemeanor and violation arrests
- Enforce and issue Town Ordinance Violations and Tickets
- Respond to both calls for service and crime in progress complaints

## Relevant

### Education/Certifications:

- FBI Basic and Crime Scene Photography School, March/April 2008
- Motor Vehicle Collision Investigation at Scene Course, June 2008
- SFST Instructor, October, 2009
- DRE Instructor, June 2010
- Advance Crash Management Course, September 2010
- Technical Crash Management Course, October 2010
- Breath Analysis Instructor, April, 2012
- Motorcycle Safety and Enforcement Course, September 2012
- Radar/Lidar Instructor, May 2012
- Vehicle Stops Instructor, May 2012
- Commercial Vehicle Enforcement Awareness Course, June 2013



## Dutchess County Traffic Safety Board Roster 2017

(Revised: 1-2017)

Name	Address	Telephone	E-mail Address	Appointment & Expiration Dates
Sgt Todd King	City of Poughkeepsie PD	w) 451-4131 c) 845 206-6294	<a href="mailto:tking@cityofpoughkeepsie.com">tking@cityofpoughkeepsie.com</a>	Ex: 12/31/2018
Todd Jicha * Vice Chairman	18 Stoutenburg Dr. Hyde Park, NY 12538	c) 845 474-8056	<a href="mailto:tjicha@aol.com">tjicha@aol.com</a>	Ex: 12/31/2017
Sgt Mel Bruschetti	Town of Poughkeepsie PD 19 Tucker Dr Poughkeepsie NY 12603	w) 485-3680	<a href="mailto:mbruschetti@townofpoughkeepsie-ny.gov">mbruschetti@townofpoughkeepsie-ny.gov</a>	NAME*
Stephen Gill * Chair	DCDPW Engineering 626 Dutchess Turnpike Poughkeepsie NY 12603	w) 486 2928	<a href="mailto:sgill@co.dutchessNY.gov">sgill@co.dutchessNY.gov</a>	Ex: 12/31/2018
Paul Bonfiglio	5 Taconic St Poughkeepsie NY 12603	h) 471-4549 c) 520-1294	<a href="mailto:pbono16@aol.com">pbono16@aol.com</a>	Ex: 12/31/2018
Ann Rush Public Health Education Coordinator	Div. of Public Health Info, Planning and Education DC Dept. of Health 387 Main Street Poughkeepsie NY 12601	w) 486-3751	<a href="mailto:arush@dutchessNY.gov">arush@dutchessNY.gov</a>	Ex: 12/31/2017
Emily Dozier	DC Planning & Development 10 Watson Rd Poughkeepsie NY 12603	w) 486-3615	<a href="mailto:edozier@dutchessNY.gov">edozier@dutchessNY.gov</a>	Ex: 12/31/2018
John McKinney Jr.	Town of Fishkill PD W- 801 Rt 52 Fishkill, NY 12524  H - 269 Baxtertown Rd Fishkill, NY 12524	w) 831-1110	<a href="mailto:jm640152@aol.com">jm640152@aol.com</a>  <a href="mailto:jmckinney@fishkill-ny.gov">jmckinney@fishkill-ny.gov</a>	Ex: 12/31/2018
James Rapoli *Secretary	NYS DOT 47 West Willets Dr Red Hook, NY 12571	w) 431-5723 h) 758-2010/u f) 431-7923	<a href="mailto:jim.rapoli@dot.ny.gov">jim.rapoli@dot.ny.gov</a>	Ex: 12/31/2018
Brian Jones	DC Office for the Aging	w) 486-2555	<a href="mailto:bjones@dutchessNY.gov">bjones@dutchessNY.gov</a>	Ex: 12/31/2017
Mike Dampf	DCSO 150 N. Hamilton St. Poughkeepsie NY 12601	o) 486-3859 c) 489-5241	<a href="mailto:mdampf@dutchessNY.gov">mdampf@dutchessNY.gov</a>	Not appointed DCSO Liaison

William Steenbergh	Arlington FD W – 11 Burnett Blvd Poughkeepsie NY 12603	w) 486-6309 c) 797-3291	<a href="mailto:Afd51@optonline.net">Afd51@optonline.net</a>	Ex: 12/31/2015
Matthew Heneka	CIA W – 1946 Campus Dr Hyde Park, NY 12538	w) 451-1350	<a href="mailto:m_heneka@culinary.edu">m_heneka@culinary.edu</a>	12/31/2018
Sgt. Christine Lopez	NYS Troop K 2541 Rt. 44 Salt Point NY 12578	w) 677-7331	<a href="mailto:christine.lopez@troopers.ny.gov">christine.lopez@troopers.ny.gov</a>	Not appointed NYSP Liaison
Robert W. Simpson	SmartRider MSP 30 Pine Echo Dr Poughkeepsie NY 12601	h) 702-7277	<a href="mailto:bob@smartridermsp.com">bob@smartridermsp.com</a>	Ex: 12/31/2018
Anthony Russo	AKRF G3 Colonial Dr Poughkeepsie NY 12601	h) 845-483-0151 c) 914-393-3099	<a href="mailto:arusso@akrf.com">arusso@akrf.com</a>	Ex: 12/31/2017

# Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	absent	
District 1 - Town of Poughkeepsie	Nesbitt (VC)		
District 4 - Town of Hyde Park	Black	absent	
District 5 - Town of Poughkeepsie	Roman (C)		
District 6 - Town of Poughkeepsie	Flesland		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 21 - Town of East Fishkill	Horton		

Present: 10  
 Absent: 2  
 Vacant: 0

Resolution: ✓  
 Motion: —

Total : 10 0  
           Yes       No  
 Abstentions: 0

**2017039 CONFIRMING NEW APPOINTMENT AND REAPPOINTMENT TO THE TRAFFIC SAFETY BOARD**

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total : 22      0  
                   Yes            No  
 Abstentions: 0

**2017039 CONFIRMING NEW APPOINTMENT AND REAPPOINTMENT TO THE TRAFFIC SAFETY BOARD**

Date: March 16, 2017

RESOLUTION NO. 2017040

RE: CONFIRMATION OF APPOINTMENT OF ANIL K. VAIDIAN, MD, MPH,  
AS THE DUTCHESS COUNTY COMMISSIONER OF BEHAVIORAL &  
COMMUNITY HEALTH FOR A TERM OF ON OR ABOUT  
APRIL 17, 2017 THROUGH APRIL 16, 2023

Legislators THOMES, BORCHERT, MICCIO, BOLNER, FLESLAND, TRUITT, SAGLIANO, HORTON, BLACK, and JETER-JACKSON offer the following and move its adoption:

WHEREAS, the County Executive has appointed Anil K. Vaidian, MD, MPH to be the Commissioner of the Department of Behavioral & Community Health for a six (6) year term effective on or about April 17, 2017 through April 16, 2023, pursuant to Article VII, Section 7.01 of the Dutchess County Charter and Section 351(5) of the New York State Public Health Law respectively contingent upon the approval of the Commissioner of the New York State Department of Health. The required information pertaining to Dr. Vaidian has been sent to the New York State Department of Health, and

WHEREAS, the curriculum vitae of Dr. Vaidian is attached hereto, and

WHEREAS, the Commissioner of Dutchess County Human Resources has determined that Dr. Vaidian is qualified to perform the duties of the position of Commissioner of Behavioral & Community Health, and

WHEREAS, Dr. Vaidian resides in the Town of Patterson, County of Putnam, and

WHEREAS, the Commissioner of Dutchess County Human Resources is authorized pursuant to Dutchess County Local Law No. 1 of 2014 to recommend that the Dutchess County Commissioner of Behavioral & Community Health shall not be required to reside within the County of Dutchess, now therefore, be it

RESOLVED, that the appointment of Anil K. Vaidian, MD, MPH, as Commissioner of the Department of Behavioral & Community Health is hereby confirmed by this Legislature, effective on or about April 17, 2017 through April 16, 2023, contingent upon the approval of the Commissioner of the New York State Department of Health, and it is further,

RESOLVED, that the salary for Dr. Vaidian as Commissioner of Behavioral & Community Health shall be commensurate to that of the position of Commissioner of Department of Behavioral & Community Health contained in the 2017 Dutchess Adopted County Budget, and it is further

RESOLVED, that based upon the recommendation of the Dutchess County Commissioner of Human Resources, the Dutchess County Commissioner of Behavioral & Community Health shall not be required to reside in the County of Dutchess.

CA-037-17  
CRC/kvh/G-1652-B  
03/06/17

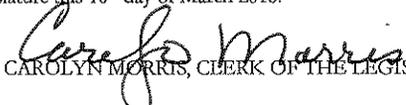
APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/22/2017

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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**PERSONAL INFORMATION**

Date of Birth: August 29, 1968

Home address and telephone:  Patterson, New York 12563

Professional address and telephone: Rockland County Department of Health  
Disease Control & Prevention  
50 Sanatorium Road – Building D  
Pomona, New York 10970  
(845) 364-2710  
[vaidiana@co.rockland.ny.us](mailto:vaidiana@co.rockland.ny.us)

**EDUCATION**

***MPH, General Public Health*** *September 2000 – June 2002*  
The Mailman School of Public Health at Columbia University, New York, NY

***MD*** *July 1991 – June 1993*  
State University of New York at Buffalo School of Medicine, Buffalo, NY

***BS, Biomedical Sciences*** *September 1986 – June 1991*  
Sophie Davis School of Biomedical Education (7 year BS/MD Program at CUNY), New York, NY

*September 1982 – June 1986*  
Bronx High School of Science, Bronx, NY

**POST GRADUATE TRAINING**

***Infectious Disease Fellowship (Clinical/Research)*** *June 2002 – November 2005*  
Albert Einstein College of Medicine, Bronx, NY

- Fellowship training in general adult infectious disease
- Maintained a continuity HIV/AIDS clinic at Jacobi Medical Center
- Clinical research on hospital standing orders for pneumococcal vaccine
- Research mentor- Brian Currie, MD MPH

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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***Public Health and Preventive Medicine Residency*** ***July 2000 – June 2002***

New York City Department of Health & Mental Hygiene, New York, NY

- Project based training in the major bureaus at the New York City Department of Health and Mental Hygiene
- Concurrent course work toward a Masters' degree in Public Health with a focus on Epidemiology

***Chief Medical Resident*** ***July 1996 – June 1997***

Montefiore Medical Center, Bronx, NY

- Supervised medical students, interns and residents of the internal medicine residency at an academic medical center
- Served as a medical attending on the inpatient hospital wards
- Organized and convened Grand Rounds, case presentations and conferences, and teaching rounds
- Provided overnight medical coverage in the medical ICU at North Central Bronx Hospital
- Firm III Director- Gerald Paccione, MD

***Residency – Primary Care/General Medicine*** ***July 1994 – June 1996***

Montefiore Medical Center, Bronx, NY

- Primary Care medicine training with an evidence-based focus
- Continuity outpatient clinic at North Central Bronx Hospital

***Internship – Internal Medicine*** ***July 1993 – June 1994***

Montefiore Medical Center, Bronx, NY

**WORK EXPERIENCE**

***Medical Director*** ***January 2014 – Present***

***Director, Division of Disease Control & Prevention***

Rockland County Department of Health, Pomona, NY

- Supervised all public health clinics (tuberculosis, immunization, sexually transmitted infections, and family planning)
- Supervised the Division of Disease Control & Prevention program areas of general communicable disease, immunization, tuberculosis, sexually transmitted infections, and HIV/ Partner Services
- Managed the investigation and control activities during major communicable disease outbreaks
- Supervised all tuberculosis control activities for the county
- Supervised the relief physicians, NPs, and nurses in the public health clinics

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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- Collaborated with core leadership to formulate a five-year strategic plan, affect organizational change, guide QA/QI and performance measurement activities, and pursue public health accreditation
- Advocated for and collaborated with core leadership to transform the department to an academic health department
- Chair the infection control committee
- Domain lead and member of the committee for public health accreditation
- Designated LORP for the Rockland County Health in charge of maintaining protected HIV and STI health information
- Presented lectures at hospital grand rounds, press conferences, to public forums, to physician groups, to legislative and county leadership on tuberculosis, sexually transmitted infections, H1N1 influenza, Zika Virus infection, and other topics

***Acting Medical Director***

***February 2013 – July 2013***

Rockland County Department of Health, Pomona NY

- Provided oversight of all medical issues during the retirement of the health commissioner

***Director, Tuberculosis & Communicable Diseases***

***February 2007 – December 2013***

Rockland County Department of Health, Pomona, NY

- Directed the Division of Disease Control encompassing the program areas of general communicable disease, immunization, tuberculosis, sexually transmitted infections, and HIV/ Partner Services
- Managed the investigation and control activities of numerous infectious outbreaks including mumps, measles, pertussis, tuberculosis, H1N1 influenza, acute Hepatitis A, Ebola exposed traveler, and meningitis
- Directed all tuberculosis control activities for the county including surveillance, reporting, medical management, contact investigations, creation of policies and protocols, medical consultation, and direct patient care

***Director, Communicable Diseases***

***November 2005 – January 2007***

Division of Disease Control -Westchester County Department of Health, New Rochelle, NY

- Directed the general communicable disease program; overseeing the surveillance, investigation, reporting, and control of reportable communicable diseases in Westchester County
- Directed the collection, management, and analysis of public health data and the writing of reports to state and local government, the public, and other public health stakeholders
- Delivered medical care in the county tuberculosis and sexually transmitted diseases public health clinic

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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***Part-time Physician: TB and STD Clinics***

***January 2005 – November 2005***

Westchester County Department of Health, White Plains, NY

- Delivered medical care in the county Tuberculosis and Sexually Transmitted Diseases public health clinic
- Provided epidemiology expertise to analyze and to create reports of public health data

***Assistant Professor of Medicine***

***October 1998 – June 2000***

State University of New York at Stony Brook- Stony Brook University Hospital, Stony Brook, NY

- Served as a medical attending on the inpatient hospital wards
- Provided medical consultation for the surgical and non-medical services
- Maintained a private faculty internal medicine practice
- Supervised and taught medical students, interns and residents of the internal medicine residency program
- Provided medical care to the residents of an adult home

***Clinical Instructor of Medicine***

***July 1997 – October 1998***

State University of New York at Stony Brook - Stony Brook University Hospital, Stony Brook, NY

- Served as a medical attending on the inpatient hospital wards
- Provided medical consultation for the surgical and non-medical services
- Maintained a private faculty internal medicine practice
- Supervised and taught medical students, interns and residents of the internal medicine residency program
- Provided medical care to the residents of an adult home

***Chief Resident- Firm III***

***July 1996 – June 1997***

Montefiore Medical Center, Bronx, NY

- Supervised medical students, interns and residents of the internal medicine residency at an academic medical center
- Served as a medical attending on the inpatient hospital wards
- Organized and convened Grand Rounds, case presentations and conferences, teaching rounds
- Provided overnight medical coverage in the medical ICU at North Central Bronx Hospital

**LICENSES**

***New York State Medical License***

***1995***

# 199508

***Drug Enforcement Agency Registration***

***1995***

# BV5321562

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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**CERTIFICATIONS**

<i>Board Certified – Public Health / Preventive Medicine</i>	<i>2012</i>
<i>Board Certified – Infectious Diseases</i>	<i>2004</i>
<i>SHEA/CDC Course in Hospital Epidemiology</i>	<i>2004</i>
<i>Board Certified – Internal Medicine</i>	<i>1997</i>
<i>Diplomate – National Board of Medical Examiners</i>	<i>1994</i>

**AWARDS AND HONORS**

<i>Outstanding House Officer</i> AECOM / Montefiore Medical Center	<i>2005-2006</i>
<i>New York State Empire Grant</i> (for clinical research on pneumococcal standing orders) Montefiore Medical Center	<i>2004 - 2006</i>
<i>Chief Medical Resident – Firm III</i> AECOM / Montefiore Medical Center	<i>1996-1997</i>

**REFERENCES**

Joan H. Facelle, MD, MPH  
Commissioner of Health; 2001-2013  
Rockland County Department of Health  
22 East Mayer Drive  
Suffern, NY  
[jhfac@aol.com](mailto:jhfac@aol.com)  
Cell 845-608-1426

Ron Hansen  
Deputy Commissioner  
Rockland County Department of Health  
50 Sanatorium Road- Bldg. D  
Pomona, NY 10970  
Cell 845-821-3030  
Home 845-627-1310

CURRICULUM VITAE

**ANIL K. VAIDIAN, MD, MPH**

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Laura S. Carbone, MD  
Medical Examiner  
Rockland County Department of Health  
50 Sanatorium Road- Bldg. D  
Pomona, NY 10970  
[lauracarbone@optonline.net](mailto:lauracarbone@optonline.net)  
Cell 914-552-9540

Junie Delizo, MPH  
Director, Emergency Preparedness  
Rockland County Department of Health  
50 Sanatorium Road- Bldg. D  
Pomona, NY 10970  
Office: (845) 364-2660  
Cell: (845) 821-3032

## *Family and Human Services Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner *		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson (VC)		
District 16 - Town of Fishkill and City of Beacon	Forman		
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 21 - Town of East Fishkill	Horton		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (C)		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

Present: 11  
 Absent: 1  
 Vacant: 0

Resolution: ✓  
 Motion: —

Total : 11 0  
                   Yes      No  
 Abstentions: 0

**2017040 CONFIRMATION OF APPOINTMENT OF ANIL K. VAIDIAN, MD, MPH, AS THE DUTCHESS COUNTY COMMISSIONER OF BEHAVIORAL & COMMUNITY HEALTH FOR A TERM OF ON OR ABOUT APRIL 17, 2017 THROUGH APRIL 16, 2023**

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total: 21 1  
 Yes No  
 Abstentions: 0

**2017040 CONFIRMATION OF APPOINTMENT OF ANIL K. VAIDIAN, MD, MPH, AS THE DUTCHESS COUNTY COMMISSIONER OF BEHAVIORAL & COMMUNITY HEALTH FOR A TERM OF ON OR ABOUT APRIL 17, 2017 THROUGH APRIL 16, 2023**

Date: March 16, 2017

RESOLUTION NO. 2017041

RE: AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

Legislators THOMES, BORCHERT, BOLNER, FLESLAND, SAGLIANO, TRUITT, JETER-JACKSON, and HORTON offer the following and move its adoption:

WHEREAS, the County Executive allocated funds for the 2017 Agency Partner Grant to the Department of Planning and Development, and

WHEREAS, after allocating such funds it was determined that one program, the Domestic Violence Lethality Assessment Program in the amount of \$15,000.00, is eligible for 49% State reimbursement through the Department of Community and Family Services (DCFS), and

WHEREAS, in order to maximize revenue and the use of the grant funds for the Domestic Violence Lethality Assessment Program, it is necessary to amend the 2017 Adopted County Budget to move the amount of \$15,000.00 to the DCFS budget thereby enabling DCFS to benefit from the 49% state reimbursement, and

WHEREAS, in allocating such funds it was also determined that a second program, the Housing Navigator Program, in the amount of \$34,000.00, is identified as a program that DCFS shall manage, and

WHEREAS, in order for DCFS to manage the Housing Navigator Program it is necessary to amend the 2017 Adopted County Budget to move the amount of \$34,000.00 to the DCFS budget, now therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the 2017 Adopted County Budget as follows:

APPROVED

MARCUS J. MOLINARO  
COUNTY EXECUTIVE

Date \_\_\_\_\_

APPROPRIATIONS

Decrease

A.8020.4413                      Competitive Grant Program                      (\$49,000)

Increase

A.6070.4413                      Competitive Grant Program                      \$ 49,000

CA-033-17  
AMS/kvh/G-0179  
02/06/17  
Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/29/2017

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
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 \$ 49,000

Total Current Year Revenue \$ 7,350  
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:

A total of \$49,000 will be transferred from the Department of Planning and Development to the Department of Community and Family Services (DCFS) budget, \$15,000 to be allocated for the Domestic Violence Lethality Assessment Program (DV LAP) and \$34,000 for the Housing Navigator Program. The county is able to leverage funding from NYS at a rate of 49% or \$7,350 for the DV LAP.

Prepared by: Christie Bonomo

Prepared On: 2/1/2017

2017 - Agency Partner Grant Program Amendments

APPROPRIATIONS

Decrease

A.8020.4413 Competitive Grant Program (\$49,000)

Increase

A.6070.4413 Competitive Grant Program \$49,000

\$0



## COUNTY OF DUTCHESS

MARCUS J. MOLINARO  
COUNTY EXECUTIVE

December 27, 2016

Brian Doyle, CEO  
Family Services  
29 North Hamilton Street  
Poughkeepsie, NY 12601

Dear Mr. Doyle: *BRIAN -*

I am pleased to inform you that your agency has been awarded \$29,000 through the Dutchess County 2017 Agency Partner Grant Program for the following programs:

Domestic Violence Law Enforcement Lethality Assessment Program	\$15,000
Teen Resource Activity Center	\$14,000

The program year will commence on January 1, 2017 and conclude on December 31, 2017. This is a reimbursement program which will be facilitated through a formal contract with Dutchess County.

The Department of Community and Family Services (DCFS) will be managing the Domestic Violence Law Enforcement Lethality Assessment Program and will be in contact with you directly to begin the contractual process.

You will receive an email from the Department of Planning and Development shortly requesting documents and information to begin the contract process.

We look forward to working with you this year. If you have any questions, please feel free to contact Christie Bonomo or Anne Saylor at (845) 486-3600.

Sincerely,

Marcus J. Molinaro  
Dutchess County Executive

C: Chris Baiano, Assistant County Executive  
Eoin Wrafter, Commissioner, Department of Planning and Development  
Sabrina Jaar Marzouka, Commissioner, Department of Community and Family Services



## COUNTY OF DUTCHESS

MARCUS J. MOLINARO  
COUNTY EXECUTIVE

December 27, 2016

Christa Hines, Interim Executive Director  
Hudson River Housing, Inc.  
291 Mill Street  
Poughkeepsie, NY 12601

Dear Ms. Hines: *CHRISTA*

I am pleased to inform you that your agency has been awarded \$96,000 through the Dutchess County 2017 Agency Partner Grant Program for the following programs:

Financial Fitness	\$41,000
Housing Navigator	\$34,000
Youth LEAP (formerly Community Works) Program	\$21,000

The program year will commence on January 1, 2017 and conclude on December 31, 2017. This is a reimbursement program which will be facilitated through a formal contract with Dutchess County.

You will receive an email from the Department of Planning and Development shortly requesting documents and information to begin the contract process.

The Department of Community and Family Services (DCFS) will be managing the Housing Navigator program and will be in contact with you directly to begin the contractual process.

We look forward to working with you this year. If you have any questions, please feel free to contact Christie Bonomo or Anne Saylor at (845) 486-3600.

Sincerely,

Marcus J. Molinaro  
Dutchess County Executive

C: Chris Baiano, Assistant County Executive  
Eoin Wrafter, Commissioner, Department of Planning and Development  
Sabrina Jaar Marzouka, Commissioner, Department of Community and Family Services

# *Family and Human Services Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner *		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson (VC)		
District 16 - Town of Fishkill and City of Beacon	Forman		
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 21 - Town of East Fishkill	Horton		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (C)		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		
Present: <u>11</u>	Resolution: <u>✓</u>	Total : <u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u>    </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

**2017041** AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total: 22 0  
 Yes No  
 Abstentions: 0

**2017041** AMENDING THE 2017 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE DEPARTMENTS OF PLANNING AND DEVELOPMENT (A.8020) AND COMMUNITY AND FAMILY SERVICES (A.6070)

Date: March 16, 2017

RESOLUTION NO. 2017042

RE: AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING THE ASSOCIATED STATE MASTER GRANT CONTRACT

Legislators FORMAN, BORCHERT, BOLNER, FLESLAND, INCORONATO, TRUITT, LANDISI, HORTON, and SAGLIANO offer the following and move its adoption:

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the County has examined and duly considered the applicable laws of the State of New York and the County deems it to be in the public's interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the "State", and the COUNTY be executed for such state aid, now therefore, be it

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized, and

RESOLVED, that the County Executive or his designee is directed and authorized as the official representative of the County to act in connection with the application, to sign the resulting contract if said application is approved by the State, and to provide such additional information as may be required, and

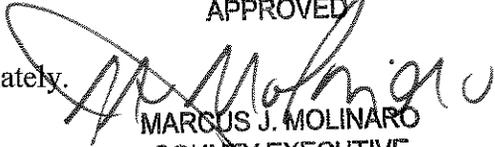
RESOLVED, that the County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such costs as indicated in the contract, and

RESOLVED, that two (2) certified copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application, and

RESOLVED, that this resolution takes effect immediately.

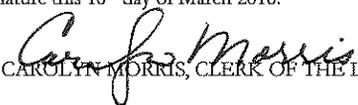
CA-027-17  
CAB/kvh/G-1233-Q 02/06/17  
Fiscal Impact: See attached statement  
STATE OF NEW YORK

ss:  
COUNTY OF DUTCHESS

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/24/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
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 \$ 31,250  
and Source

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

Identify Line Items(s):

A.8020.81.37970.03

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

Nature/Reason:

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

Net County Cost (this year): \_\_\_\_\_

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

### Additional Comments/Explanation:

This grant revenue is included in the 2017 Budget.

Prepared by: Lindsay Carille

Prepared On: 1/20/2017

# *Environment Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 9 - City of Poughkeepsie	Rieser		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 16 - Town of Fishkill and City of Beacon	Forman (C)		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn (VC)		

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

**2017042** AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING THE ASSOCIATED STATE MASTER GRANT CONTRACT

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
District 17 - Town and Village of Fishkill	Miccio		
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District 20 - Town of Red Hook	Strawinski		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 5 - Town of Poughkeepsie	Roman		
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District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Forman	<i>absent</i>	
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
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District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

**Present:** 22      **Resolution:**       **Total :** 22      0  
**Absent:** 3      **Motion:**       **Yes**      **No**  
**Vacant:** 0      **Abstentions:** 0

**2017042 AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING THE ASSOCIATED STATE MASTER GRANT CONTRACT**

Date: March 16, 2017

RESOLUTION NO. 2017043

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL  
AND TO ORDER THE LOCAL TAX COLLECTOR TO  
ISSUE A CORRECTED TAX BILL

APPLICANT: Michael S. and Lily Ann M. Suharto  
1507 Lorson Loop  
Round Rock TX 78665

ACCOUNT NO.: 132200-6759-04-553053-0000

Legislators FLESLAND, BOLNER, COVIELLO, and JETER-JACKSON offer  
the following and move its adoption:

WHEREAS, there is a re-levy on the 2017 tax roll for the Town of Beekman under the  
name of Michael S. and Lily Ann M. Suharto, Tax Grid No. 132200-6759-04-553053-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a  
correction of real property taxes on the basis of an alleged clerical error, and

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director  
of Real Property Tax Service has investigated this claim and it has been determined and certified  
by said Director that tax bill, as issued, is incorrect due to a clerical error, 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 a clerical error does exist, now,  
therefore, be it

RESOLVED, that the application received February 1, 2017, relating to Tax Grid No.  
132200-6759-04-553053-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized  
and directed to send a copy of this resolution to the applicant and to the Town Tax Collector,  
directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this  
resolution to the warrant:

Municipality	Assessed Value	Exempt Amt.	Taxable Value	Corrected Tax
County	310,400		310,400	1,109.88
Town of Beekman	310,400		310,400	549.87
Beekman Library	310,400		310,400	94.74
Beekman Fire	310,400		310,400	256.68
DCWW SD003	10 units		10 units	270.30
DCWW WZHDF	10 units		10 units	245.08
			TOTAL:	\$2,526.55

and be it further

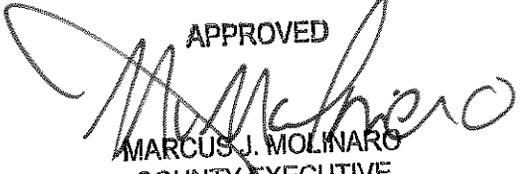
RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncollectible Taxes	\$ 516.51
A440 Arlington CSD	<u>7,378.72</u>
TOTAL	\$7,895.23

CA-028-17  
EA/MB/kvh G-0194  
02/06/17

Fiscal Impact: None

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/24/2017

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

**Dutchess County Real Property Tax Service Agency**  
**COE Investigating Report**

Legal Description (grid #) 132200-6759-04-553053-0000

Owner's Name Michael S. and Lily Ann M Suharto

Mailing Address 1507 Lorson Loop Round Rock TX 78665

Property Location 110 Van Scoy Rd.

School District Arlington Central School Dist. Special District \_\_\_\_\_

Total Assessed Value now on roll 310,400 Corrected to Same

Taxable Assessed Value now on roll 310,400 Corrected to 310,400

Exempt codes and amounts if applicable \_\_\_\_\_

Amount Levied \$10,421.78 Should be \$2,526.55

Tax Bill Paid? \_\_\_ yes  no Verified with assessor?  yes \_\_\_ no

Error Claimed is defined in Real Property Tax Law, Section 550:

- Subdivision 2, Paragraph H (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 \_\_\_

Improvement was removed before taxable status date \_\_\_

Assessment based on incorrect acreage \_\_\_

Parcel should be Wholly Exempt \_\_\_

Parcel Misclassified as homestead or non-homestead \_\_\_

Other:  School tax bill incorrectly re-levied.

Recommendation  APPROVE APPLICATION  DENY APPLICATION

Details: It is recommended that the application for a corrected 2016/17 Cnty/Town tax bill be approved.

A342 \$516.51 / A440 Arlington CSD \$7,378.72

Investigator Margaret Burns Director Eric Cohen Date 2/3/2017



NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

APPLICATION FOR CORRECTED TAX ROLL  
FOR THE YEAR 20 17

Part 1: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

<u>Michael Suharto</u>	Day <u>512</u> <u>590-1757</u>	Evening <u>512</u> <u>590-1757</u>
Ia. Name of Owner	2. Telephone Number	
<u>1507 Lorson Loop</u>	<u>110 Van Scoy Road</u>	
<u>Round Rock, TX 78665</u>	<u>Poughquag, NY 12570</u>	
Ib. Mailing Address	3. Parcel Location (if different than Ib.)	
<u>Parcel ID 132200-6759-04-553053-0000</u>		

4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. \_\_\_\_\_ 6. Amount of taxes currently billed \$7895.23

7. I hereby request a correction of tax levied by \$516.51  
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): I was levied additional \$516.51 tax due to Beekman Tax Office misplaced the check I sent through certified mail, received/signed by Beekman Tax Office on 10/6/2016

1/26/2017 Date [Signature] Signature of Applicant

PART II: For use by COUNTY DIRECTOR: Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 2/11/17 Period of warrant for collection of taxes: 12/15/16  
Last day for collection of taxes without interest: 2/28/17

Recommendation:  Approve application\*  Deny Application  
2/3/2017 Date [Signature] Signature of County Director

\* If box is checked, this copy is for assessor and board of assessment review of city/town/village of \_\_\_\_\_ which are to consider attached report and recommendation as equivalent to petition filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION \_\_\_\_\_: (Insert Number or Date)

APPLICATION APPROVED Amount of taxes currently billed: \$ 7895.23  
Notice of approval mailed to applicant on (enter date): \_\_\_\_\_ Corrected tax: \$ \_\_\_\_\_  
Order transmitted to collecting officer on (enter date): \_\_\_\_\_

APPLICATION DENIED Reason: \_\_\_\_\_

Seal of Office \_\_\_\_\_ Date \_\_\_\_\_ Signature of Chief Executive Officer or Official Designated by Resolution

RECEIVED  
2017 FEB -1 PM 4:10  
REAL PROPERTY TAX SERVICES

**Part IV. For use by COLLECTING OFFICER:**

Payment may be made without interest and penalties ONLY if (1) the application has been filed with the County Director during the period when taxes may be paid without interest (see "Date application received" in Part II of this form) AND (2) the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant (see Part III of this form). If either of these conditions is not satisfied, interest and/or penalties must be paid on the corrected tax.

---

Order from tax levying body received:

\_\_\_\_\_ Date

Corrected tax due: \$ \_\_\_\_\_

Interest and penalties (if applicable): \$ \_\_\_\_\_

Total corrected tax due: \$ \_\_\_\_\_

Tax roll corrected:

\_\_\_\_\_ Date

Tax bill corrected:

\_\_\_\_\_ Date

Application and Order annexed to tax roll:

\_\_\_\_\_ Date

Payment of corrected tax received:

\_\_\_\_\_ Date

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Collecting Officer



## ARLINGTON CENTRAL SCHOOL DISTRICT

KEVIN M. SHELDON, ASSISTANT SUPERINTENDENT FOR BUSINESS

CAO • 144 Todd Hill Road • LaGrangeville, NY 12540

Voice 845-486-4450 • Fax 845-486-4492 • E-mail ksheldon@acsdny.org

---

February 1, 2017

Mr. Eric Axelsen  
Department of Finance, Real Property Tax Service Agency  
22 Market Street  
Poughkeepsie, NY 12601

Dear Mr. Axelsen:

Please accept this letter as our official request to correct tax bill #004286 in the amount of \$7,378.72.

Owner:

Michael S Suharto and Lily Ann M Suharto  
1507 Lorson Loop  
Round Rock, TX 78665

Property Information:

Tax Map #:6759-04-553053-0000  
SWIS 132200  
110 Van Scoy Rd  
Town of Beekman  
Arlington CSD  
Fiscal Year: 7/1/16 to 6/30/17  
Warrant date: 8/16/16  
Taxable value: \$310,400  
Homestead Parcel rate of 23.771662  
Tax Amount: \$7,378.72

After several discussions with Ms. Judith Crawford, Tax Collector for the Town of Beekman, it was determined that the above tax bill was in fact paid in a timely manner, but a clerical error was made and the payment did not get processed against the Town of Beekman's portion of the Arlington Central School's tax collection for the 2016-17 school year. This error left the property in an unpaid status, which included it with all other unpaid properties that were

REAL PROPERTY  
TAX SERVICES

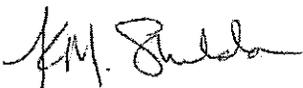
FEB 01 2017 11:10 AM

RECEIVED

turned over to the County for collection in accordance with law. The District is now in receipt of a check in the amount of \$7,378.72, which will satisfy the amount owed. Please reissue a revised bill to Mr. and Mrs. Suharto for the County tax only and remove all fees and penalties related to the collection of school tax for this time period.

If you have any questions regarding this request, please feel free to contact me at the above address or phone at 845-486-4454.

Sincerely,



Kevin M. Sheldon,  
Assistant Superintendent for Business

RECEIVED  
2017 FEB -1 PM 4:10  
REAL PROPERTY  
TAX SERVICES

Michael Suharto  
1507 Lorson Loop, Round Rock, TX 78665

January 26, 2017

Mr. Kevin Sheldon  
Arlington Central School District  
144 Todd Hill Road  
Lagrangeville, NY 12540

RE: Bill #4286

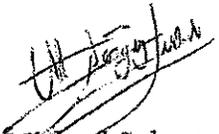
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2017 FEB -1 PM 4:10  
REAL PROPERTY  
TAX SERVICES

Dear Mr. Sheldon:

Ms. Judith Crawford, Receiver of Taxes, of the Beekman Tax Office referred us to you regarding the issue mentioned above. We are sending you the school tax payment check for \$7,378.72 (attached). As you were informed, we had originally sent a check for the same said amount by certified mail last October 2, 2016 which was received on October 6, 2016 at the Beekman Tax Office. The said check was misplaced in her office and we were unjustly penalized 7% of the tax amount.

It has been very difficult for us as my wife had an open heart double bypass surgery and to be burdened with a 7% penalty through no fault of ours is quite a hardship. We are grateful that this nightmare is now over and do appreciate your cooperation and help in resolving this issue.

Sincerely,

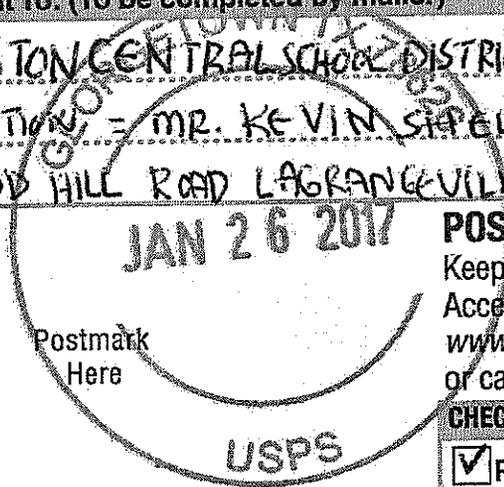
  
Michael Suharto  
Attachment: a/s

# U.S. Postal Service™ Signature Confirmation™ Receipt

Postage and Signature Confirmation fees must be paid before mailing.

Article Sent To: (To be completed by mailer)

ARLINGTON CENTRAL SCHOOL DISTRICT  
(Please Print Clearly)  
ATTENTION: MR. KEVIN SHELTON  
144 TODD HILL ROAD LAGRANGEVILLE NY 12540



**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)<sup>®</sup>  
or call 1-800-222-1811

**CHECK ONE (POSTAL USE ONLY)**

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

SIGNATURE CONFIRMATION NUMBER: 1058 06EE 0000 052E 90EE

RECEIVED  
2017 FEB -1 PM 4:10  
REAL PROPERTY  
TAX SERVICES

Collection: Town & County 2017

Fiscal Year Start: 1/1/2017

Fiscal Year End: 12/31/2017

Warrant Date: 12/15/2016

Total Tax Due (minus penalties & interest)

\$10,421.78

\$10,421.78

Pay Full

Tax Bill #	SWIS	Tax Map #	Status
004375	132200	6759-04-553053-0000	Unpaid
Address		Municipality	School
110 Van Scoy Rd		Town of Beekman	Arlington CSD

Owners

Property Information

Assessment Information

Suharto Michael S  
 Suharto Lily Ann M  
 1507 Lorson Loop  
 Round Rock, TX 78665

Roll Section: 1  
 Property Class: 1 Family Res  
 Lot Size: 0.35

Full Market Value: 310400.00  
 Total Assessed Value: 310400.00  
 Uniform %: 100.00

Description	Tax Levy	Percent Change	Taxable Value	Rate	Tax Amount
**HOMESTEAD PARCEL**		0.0000	0.000	0.00000000	\$0.00
County Tax	106383900	0.3000	310400.000	3.57564600	\$1,109.88
Town Tax	2205434	1.2000	310400.000	1.77147400	\$549.87
Beekman Library	380000	-0.1000	310400.000	0.30522800	\$94.74
Beekman Fire	1075498	0.5000	310400.000	0.82693300	\$256.68
DCWWA SD003		0.0000	10.000 Units	27.03000100	\$270.30
DCWWA WZHDF		0.0000	10.000 Units	24.50800000	\$245.08
Ret 2016 School Tax		0.0000	0.000	0.00000000	\$7,895.23

Total Taxes: \$10,421.78

FULL PAYMENT OPTION

From:	To:	Tax Amount	Penalty	Notice Fee	Total Due
Jan 11	Feb 28, 2017	\$10,421.78	\$0.00	\$0.00	\$10,421.78
Mar 01	Mar 31, 2017	\$10,421.78	\$208.44	\$0.00	\$10,630.22
Apr 01	May 01, 2017	\$10,421.78	\$312.65	\$0.00	\$10,734.43
May 02	May 31, 2017	\$10,421.78	\$416.87	\$2.00	\$10,840.65

Estimated State Aid - Type	Amount
County	73926162.00
Town	457160.00

Mail Payments To:  
 Judith Crawford

**SCHEDULE A**

**Correction**

T/O Beekman

2016/17 C/T Tax Bill

**Grid Number:** 132200-6759-04-553053-0000

**Name:** Michael S. and Lily Ann M Suharto

**Location:** 110 Van Scoy Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	310,400		310,400	0.003575646	1,109.88
Town of Beekman	310,400		310,400	0.001771474	549.87
Beekman Library	310,400		310,400	0.000305228	94.74
Beekman Fire	310,400		310,400	0.000826933	256.68
DCWWA SD003	10		10.00	27.030001	270.30
DCWWA WZHDF	10		10.00	24.508	245.08
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School	7,378.72		7,378.72	516.51	7,895.23
				<b>Total Tax on Current Roll</b>	<b>10,421.78</b>

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	310,400		310,400	0.003575646	1,109.88
Town of Beekman	310,400		310,400	0.001771474	549.87
Beekman Library	310,400		310,400	0.000305228	94.74
Beekman Fire	310,400		310,400	0.000826933	256.68
DCWWA SD003	10		10	27.030001	270.30
DCWWA WZHDF	10		10	24.508	245.08
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School					
				<b>Total Tax on Corrected Roll</b>	<b>2,526.55</b>

**Chargeback**

A342 Allow. For Uncoll. Taxes 516.51  
A430 Town of Beekman

A440 Arlington CSD 7,378.72

**TOTAL CHARGEBACK AMOUNT 7,895.23**

# Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (VC)		
District 6 - Town of Poughkeepsie	Flesland (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 22 - Towns of Beekman and Union Vale	Coviello		

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

**2017043 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL**

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22      Resolution:       Total : 22      0  
 Absent: 3      Motion:       Yes      No  
 Vacant: 0      Abstentions: 0

**2017043 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL**

Date: March 16, 2017

RESOLUTION NO.2017044

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL  
AND TO ORDER THE LOCAL TAX COLLECTOR TO  
ISSUE A CORRECTED TAX BILL

APPLICANT: East Coast Commercial Real Estate LLC  
316 Main St.  
Ste. 201  
Biddeford ME 04005

ACCOUNT NO.: 133200-6065-20-836205-0000

Legislators FLESLAND, BOLNER, AMPARO and JETER-JACKSON offer the following and move its adoption:

WHEREAS, there is an assessment on the 2016 assessment roll for the Town of Hyde Park under the name of East Coast Commercial Real Estate LLC, Account No. 133200-6065-20-836205-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a correction of real property taxes on the basis of an alleged error in essential fact, and

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property Tax Service has investigated this claim and it has been determined and certified by said Director that the tax bill, as issued, is incorrect due to the error in essential fact, 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 error in essential fact does exist, now, therefore, be it

RESOLVED, that the application received December 12, 2016, relating to Account No. 133200-6065-20-836205-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

<u>Municipality</u>	<u>Assessed Value</u>	<u>Exempt Amt.</u>	<u>Taxable Value</u>	<u>Corrected Tax</u>
County	\$251,500		\$251,500	\$ 1,550.46
Town of Hyde Park	251,500		251,500	1,681.40
Hyde Park Light	251,500		251,500	83.93
Hyde Park Library	251,500		251,500	141.51
DCWW Dev Com Zn A	1 unit		1 unit	393.74
Unpaid Water				159.15
Returned School				10,653.97
			TOTAL:	\$14,664.16

and be it further

RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncollectible Taxes	\$ 670.22
A430 Town of Hyde Park	501.41
A430 Hyde Park Light	25.03
A430 Hyde Park Library	42.20
A440 Hyde Park CSD	<u>2,969.27</u>
TOTAL	\$4,208.13

CA-026-17  
EA/MB/kvh G-0194  
02/03/17

Fiscal Impact: None

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/24/2017

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

**Dutchess County Real Property Tax Service Agency**

**COE Investigating Report**

Le Description (grid #) 133200-6065-20-836205-0000

Owner's Name East Coast Commercial

Mailing Address 316 Main St. Ste 201 Biddeford ME 04005

Property Location 4359 Albany Post Rd.

School District Hyde Park Central School Dist. Special District \_\_\_\_\_

Total Assessed Value now on roll 326,500 Corrected to 251,500

Taxable Assessed Value (Prior to Star) now on roll 326,500 Corrected to 251,500

Exempt codes and amounts if applicable

Amount Levied \$18,872.29 Should be \$14,664.16

Tax Bill Paid? \_\_\_ yes  no Verified with assessor?  yes \_\_\_ no

Error Claimed is defined in Real Property Tax Law, Section 550:

- Subdivision 2, Paragraph \_\_\_ (clerical error)
- Subdivision 3, Paragraph A (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 \_\_\_

Improvement was removed before taxable status date  \_\_\_

Assessment based on incorrect acreage \_\_\_

Parcel should be Wholly Exempt \_\_\_

Parcel Misclassified as homestead or non-homestead \_\_\_

Other: \_\_\_

Recommendation  APPROVE APPLICATION  DENY APPLICATION

Details: It is recommended that the application for a corrected 2016/17 Cnty/Town tax bill be approved.

A342 \$670.22 / A430 T/O Hyde Park \$501.41 / A430 Hyde Park Light \$25.03 / A430 Hyde Park Lib \$42.20  
A440 Hyde Park CSD \$2,969.27

Investigator Margaret Burns Director Eric C. [Signature] Date 1/18/2017



RP-554 (9/04)

NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

APPLICATION FOR CORRECTED TAX ROLL  
FOR THE YEAR 2016

Part I: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

East Coast Commercial  
1a. Name of Owner

Day 917-866-9040 Evening ( )  
2. Telephone Number

316 Main St Ste 201  
Biddleford, ME 04005  
1b. Mailing Address

4359 Albany Post Rd  
Hyde Park, NY 12538  
3. Parcel Location (if different than 1b.)

6065-20-836205  
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. \_\_\_\_\_ 6. Amount of taxes currently billed \_\_\_\_\_

7. I hereby request a correction of tax levied by Dutchess County, Town of Hyde Park, Hyde Park Village  
(county/city/school district; town in Westchester County; non-assessing unit village) St Louis

for the following reasons (use additional sheets if necessary): see attached

12.07.16  
Date

[Signature]  
Signature of Applicant

PART II: For use by COUNTY DIRECTOR: Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 12/12/16 Period of warrant for collection of taxes: 12/15/16

Last day for collection of taxes without interest: 2/28/17

Recommendation:  Approve application\*  Deny Application

1/18/2017  
Date

[Signature]  
Signature of County Director

\* If box is checked, this copy is for assessor and board of assessment review of city/town/village of \_\_\_\_\_ which are to consider attached report and recommendation as equivalent to petition filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION \_\_\_\_\_:  
(Insert Number or Date)

\_\_\_\_ APPLICATION APPROVED Amount of taxes currently billed: \$ \_\_\_\_\_

Notice of approval mailed to applicant on (enter date): \_\_\_\_\_ Corrected tax: \$ \_\_\_\_\_  
Order transmitted to collecting officer on (enter date): \_\_\_\_\_

\_\_\_\_ APPLICATION DENIED Reason: \_\_\_\_\_

Seal of Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Chief Executive Officer  
or Official Designated by Resolution

RECEIVED  
REAL PROPERTY  
TAX SERVICES  
JAN 12 PM 2:25

**HISTORIC TOWN OF HYDE PARK**

---



4383 Albany Post Road, Hyde Park, N.Y. 12538

(845) 229-7103 Ext. 123 Fax (845) 229-1901

**Kristen Cables**  
Assessor

To Whom it May Concern,

The Assessor's office is requesting a correction for the 2016 tax roll on parcel 6065-20-836205 located at 4359 Albany Post Road. The Assessor's office has been informed by the owner of the property that the storage tanks have been removed long before taxable status day, thus changing the value of the parcel. Attached is a copy of their unpaid tax bills along with the closure report for the underground storage tanks. The property's assessment has changed from \$326,500 to \$251,500. Please contact my office with any other questions.

Sincerely,

Kristen Cables  
Town Of Hyde Park Assessor

RECEIVED  
2016 DEC 12 PM 2:35  
REAL PROPERTY  
TAX SERVICES

UNDERGROUND STORAGE TANK CLOSURE REPORT

GETTY #58721

ALBANY POST ROAD AT ALBERTSON STREET

HYDE PARK, NEW YORK

NOVEMBER 2008

PREPARED FOR:

GETTY PETROLEUM MARKETING, INC.

1500 HEMPSTEAD TURNPIKE

EAST MEADOW, NEW YORK 11554-1551

PREPARED BY:

TYREE ENVIRONMENTAL CORP.

1 NORTHWAY LANE

LATHAM, NEW YORK 12110

Collection: School 2016

Fiscal Year Start: 7/1/2016

Fiscal Year End: 6/30/2017

Warrant Date: 8/25/2016

Total Tax Due (minus penalties & interest) \$12,952.10

Tax Bill #	SWIS	Tax Map #	Status
001781	133200	6065-20-836205-0000	Unpaid
Address		Municipality	School
4359 Albany Post Rd		Town of Hyde Park	Hyde Park CSD

**Owners**

East Coast Commercial  
Real Estate LLC  
316 Main St Ste 201  
Biddeford, ME 04005

**Property Information**

Roll Section: 1  
Property Class: Gas station  
Lot Size: 0.40

**Assessment Information**

Full Market Value: 526600.00  
Total Assessed Value: 326500.00  
Uniform %: 62.00

Description	Tax Levy	Percent Change	Taxable Value	Rate	Tax Amount
School Taxes	57945848	0.2000	326500.000	39.59036100	\$12,926.25
Town Collection Fee		0.0000	0.000	0.00000000	\$25.85

251,500

9956.98

Total Taxes: \$12,952.10

**Mail Payments To:**

Cindy C. Todd  
Receiver of Taxes  
PO BOX 2003 Hyde Park, NY 12538

**TOWN OF HYDE PARK: TOWN & COUNTY 2017 TAXES**

FISCAL YEAR: 01/01/2017 to 12/31/2017	WARRANT DATE: 12/15/2016	STATE AID - COUNTY: \$73,926,162.00	TOWN: \$683,276.00
MAKE CHECK PAYABLE TO:		BANK	BILL NUMBER
			001801
			PAGE
			1 OF 1

**CINDY C. TODD**  
**RECEIVER OF TAXES**  
**PO BOX 2003**  
**HYDE PARK, NY 12538**

**TO PAY IN PERSON:**  
 Town Hall  
 Tues - Thursday  
 9:00 am to 3:00 pm  
 PLEASE CALL TO CONFIRM  
 HOURS

**PROPERTY INFORMATION:**  
**TAX MAP #:133200 6065-20-836205-0000**  
 DIMENSION: 0.40 acres  
 RS: 1 CLASS: Gas station  
 ADDRESS: 4359 Albany Post Rd  
 SCHOOL: Hyde Park CSD  
 FULL MARKET VALUE: 526600.00  
 UNIFORM % OF VALUE: 62.00  
 ASSESSMENT: 326500

**PROPERTY OWNER:**

East Coast Commercial  
 Real Estate LLC  
 316 Main St Ste 201  
 Biddeford, ME 04005

**DELINQUENT TAXES ARE DUE ON THIS PARCEL**

**MEMORANDUM BILL**

If you feel the assessment on your property is too high, you have the right to file a grievance to lower it for future tax bills. For information, please contact your assessor for the booklet "How to File a Complaint on Your Assessment" and to inquire about exemptions. Any reduction in assessment will NOT be reflected on this bill.

LEVY DESCRIPTION	TAX LEVY	% Change From Prior Yr Levy	RATE	TAXABLE VALUE	AMOUNT DUE
COUNTY TAX	106383900	0.3000	6.16486400	326500.00	2012.83
TOWN TAX	6153989	0.6000	6.68547000	326500.00	2182.81
HYDE PARK LIGHT	112500	2.1000	0.33373500	326500.00	108.96
HYDE PARK LIBRARY	435874	1.3000	0.56265600	326500.00	183.71
CWW DEV COM ZN A		0.0000	393.74000000	1.00 Units	393.74
ST 2016 SCHOOL TAX		0.0000	0.00000000	0.00	13831.09
CWW UNPAID WATER		0.0000	0.00000000	0.00	159.15
<b>TOTAL TAXES DUE BY FEBRUARY 28, 2017:</b>					<b>\$18872.29</b>

**PAYMENT PERIODS**

From:	To:	Tax Amount:	Penalty:	Notice Fee:	Total Due:	Amount Paid:	Date Paid:	
JAN 1	FEB 28, 2017	18872.29			18872.29			
MAR 1	MAY 31, 2017	18872.29	377.45		19249.74			
JUN 1	AUG 31, 2017	18872.29	754.89		19627.18			
<b>TOTAL TAXES PAID TO DATE:</b>		<b>\$0.00</b>	<b>REMAINING TAXES DUE EXCLUDING ANY INTEREST OR PENALTY:</b>			<b>\$18872.29</b>		

**TOWN OF HYDE PARK: TOWN & COUNTY 2017 TAXES  
 RECEIVERS STUB**

133200 6065-20-836205-0000  
 East Coast Commercial  
 Real Estate LLC  
 316 Main St Ste 201  
 Biddeford, ME 04005

**BILL NO.:** 001801  
**BANK:**  
**TOWN OF:** Town of Hyde Park  
**SCHOOL:** Hyde Park CSD  
**PROPERTY ADDRESS:**  
 4359 Albany Post Rd

RECEIVED  
 2017 JAN 13 PM 2:04  
 REAL ESTATE  
 TAX SERVICES

<b>TOTAL TAXES PAID TO DATE:</b>	<b>\$0.00</b>	<b>REMAINING TAXES DUE EXCLUDING ANY INTEREST OR PENALTY:</b>	<b>\$18872.29</b>
PLEASE RETURN ENTIRE BILL WITH YOUR PAYMENT		CHECK THIS BOX IF YOU WOULD LIKE A RECEIPT <input type="checkbox"/>	



# *Budget, Finance, and Personnel Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (VC)		
District 6 - Town of Poughkeepsie	Flesland (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 22 - Towns of Beekman and Union Vale	Coviello		

Present: 11  
 Absent: 1  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total : 11      0  
           Yes        No  
 Abstentions: 0

**2017044 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL**

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
District 17 - Town and Village of Fishkill	Miccio		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	BoIner		
District 20 - Town of Red Hook	Strawinski		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 5 - Town of Poughkeepsie	Roman		
District 6 - Town of Poughkeepsie	Flesland		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Forman	<i>absent</i>	
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milian	Pulver	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

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

**2017044 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL**

Date: March 16, 2017

RESOLUTION NO. 2017045

RE: AUTHORIZING SETTLEMENT FROM  
JUDGMENT & CLAIMS

Legislators FLESLAND, BOLNER, JETER-JACKSON and SAGLIANO offer the following and move its adoption:

WHEREAS, Dwayne and Veronica Freeman brought an action against the County of Dutchess for injuries resulting from an auto accident which involved a Dutchess County owned and operated bus, and

WHEREAS, Dwayne and Veronica Freeman alleged that the County was negligent with regard to the operation of the bus, and

WHEREAS, the County Attorney has recommended that the case be amicably settled for the sum of \$37,500.00 in satisfaction of all claims brought by Dwayne and Veronica Freeman against the County of Dutchess, and

WHEREAS, the County has denied any liability for the accident and damages complained of by Dwayne and Veronica Freeman, and

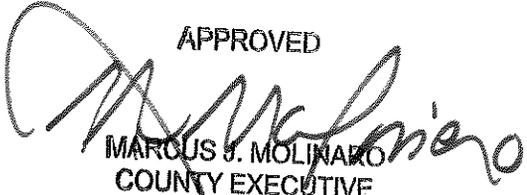
WHEREAS, it is in the best interest of the County to settle the matter, now therefore, be it

RESOLVED, that Commissioner of Finance is hereby authorized to pay the sum of \$37,500.00 from the operating funds (A.1910.12.4463 Judgments and Claims) for the settlement.

CA-32-17  
JMF:kh/L-5506  
02/10/17  
Fiscal Impact: attached.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/22/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
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 \$ 37,500

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

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

Identify Line Items(s):  
A.1910.12.4463

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

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

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

Additional Comments/Explanation:

Prepared by: Donna Lehnert

Prepared On: 2/6/2017



## *Dutchess County Legislature*

---

*Scott L. Volkman*  
*Legislative Counsel*

*22 Market Street, Poughkeepsie, NY 12601*  
*Telephone: 845-486-2100 Fax: 845-486-2113*

March 16, 2017

Dale L. Borchert, Chairman  
Dutchess County Legislature  
22 Market Street  
Poughkeepsie, NY 12601

Re: **Resolution No. 2017045 – Authorizing the Settlement from Judgment and Claims**

Dear Chairman Borchert:

As I advised you and Committee Chair Flesland in advance of the recent Committee meeting, in an effort to avoid any appearance of impropriety, I intend to recuse myself with respect to the above referenced matter. Prior to our conversation, I had learned that the law firm of Stenger, Roberts, Davis & Diamond, LLP represented the plaintiff in the proceeding, which is the subject of the settlement, which now appears on the consent agenda for the March meeting.

I wish to restate for the record that I have an "of Counsel" relationship with Stenger, Roberts, Davis & Diamond, LLP. I am an independent contractor. Although I am personally an employee of Dutchess County, I am not an employee, associate, officer, or a partner in that law firm. I have no actual legal conflict of interest with respect to this matter. I have no interest in this matter, financial or otherwise. I had no contact with the file and did not perform any work on the file. I have no prohibited conflict of interest as set forth in the Dutchess County Code of Ethics. I have not been asked for, nor have I offered any advice to the Legislature or any member of the Legislature.

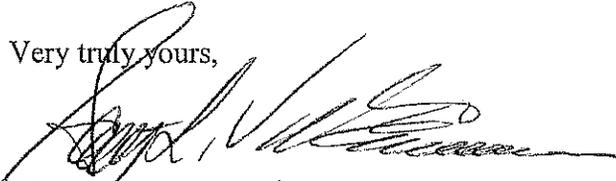
I also spoke about this with the County Attorney prior to it even appearing on the Committee agenda. The County Attorney concurred that there was not a conflict under these circumstances. There was no discussion at the Committee Meeting so I did not get a chance to state this on the record. However, as I stated previously, I am recusing myself for the record so as to avoid any appearance of impropriety.

In the event that there are substantive questions concerning this, the County Attorney will be able to address them, as with all personal injury matters with the County. Some questions, if they arise, may require going into executive session, while some others may not. However, there were no questions raised at the Committee meeting.

Page 2  
March 15, 2017

If you have any questions or require any further additional information or explanation, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott L. Volkmann", written over a horizontal line.

SCOTT L. VOLKMAN  
LEGISLATIVE COUNSEL

SLV/dap

cc: Carolyn Morris, Clerk  
James M. Fedorchak, County Attorney  
James J. Miccio, Majority Leader  
Micki Strawinski, Minority Leader  
Angela E. Flesland, Committee Chair

# *Budget, Finance, and Personnel Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (VC)		
District 6 - Town of Poughkeepsie	Flesland (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 22 - Towns of Beekman and Union Vale	Coviello		

Present: 11  
 Absent: 1  
 Vacant: 0

Resolution: ✓  
 Motion:     

Total : 11      0  
           Yes        No  
 Abstentions: 0

**2017045 AUTHORIZING SETTLEMENT FROM JUDGMENT & CLAIMS**

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
District 17 - Town and Village of Fishkill	Miccio		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 20 - Town of Red Hook	Strawinski		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 4 - Town of Hyde Park	Black		
District 5 - Town of Poughkeepsie	Roman		
District 6 - Town of Poughkeepsie	Flesland		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
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District 9 - City of Poughkeepsie	Rieser		
District 10 - City of Poughkeepsie	Jeter-Jackson		
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District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Forman	<i>absent</i>	
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

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

2017045 AUTHORIZING SETTLEMENT FROM JUDGMENT & CLAIMS

Date: March 16, 2017

RESOLUTION NO. 2017046

RE: APPROVING CAPITAL PROJECTS FOR DUTCHESS COMMUNITY COLLEGE

Legislators FLESLAND, BORCHERT, BOLNER, INCORONATO, TRUITT, SAGLIANO and JETER-JACKSON offer the following and move its adoption:

WHEREAS, the SUNY Office for Capital Facilities has notified the College that capital projects with a total estimated cost of \$626,250 have been approved, and

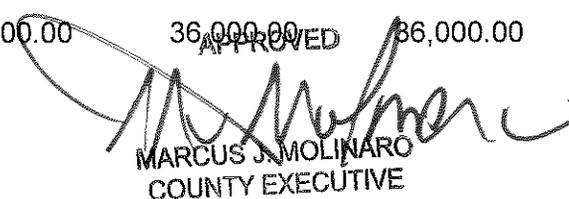
WHEREAS, State funds are available to cover the State's share of 50% of these capital projects through existing 2008 capital appropriations, and

WHEREAS, these projects are included in Dutchess County's Capital Improvement Program for 2017-2021, and

WHEREAS, Dutchess County's share of these capital projects, \$313,125 would be bonded in accordance with SUNY funding policy and procedures for capital projects, now therefore, be it

RESOLVED, that the following capital projects are hereby authorized and approved in the amounts indicated below:

Project Name	Estimated Total Cost	State's Share (Appropriation)	Dutchess County Share (Bonded Rev.)
Design of Roof Replacements	554,250.00	277,125.00	277,125.00
Campus Infrastructure – Phase 3 (Electrical) Design	72,000.00	36,000.00	36,000.00

APPROVED  
  
 MARCUS J. MOLINARO  
 COUNTY EXECUTIVE

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

Date 3/24/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
 CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Mr. Kufner

offers the following resolution and moves its adoption:

WHEREAS, Dutchess Community College has been advised by the SUNY Office for Capital Facilities that capital projects with a total estimated cost of \$626,200 have been approved, and

WHEREAS, the State funds are available to cover the state share of 50% of these projects, and

WHEREAS, the sponsor share of these capital projects (\$313,125) would be bonded in accordance with SUNY funding policy and procedures for capital projects, and

WHEREAS, the project involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, now, therefore, be it

RESOLVED, It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a "Type II" Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required, and be it further

RESOLVED, that the following capital projects are hereby authorized and approved in the amounts indicated below:

Project Name	Estimated Total Cost	State's Share (Appropriation)	Sponsor's Share
Design of Roof Replacements	554,250.00	277,125.00	277,125.00
Campus Infrastructure -- Phase 3 (Electrical) Design	72,000.00	36,000.00	36,000.00

And, be it

FURTHER RESOLVED, that this resolution be forwarded to the Dutchess County Legislature for its consideration.

\*\*\*\*\*

Seconded by

Mr. Keller-Caffrey

*Resolution adopted unanimously*

# *Budget, Finance, and Personnel Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (VC)		
District 6 - Town of Poughkeepsie	Flesland (C)		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 22 - Towns of Beekman and Union Vale	Coviello		

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

**2017046 APPROVING CAPITAL PROJECTS FOR DUTCHESS COMMUNITY COLLEGE**

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
District 17 - Town and Village of Fishkill	Miccio		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 20 - Town of Red Hook	Strawinski		
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
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District 12 - Town of East Fishkill	Metzger		
District 15 - Town of Wappinger	Incoronato		
District 16 - Town of Fishkill and City of Beacon	Forman	<i>absent</i>	
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

Present: 22      Resolution:       Total : 22      0  
 Absent: 3      Motion:       Yes      No  
 Vacant: 0      Abstentions: 0

2017046 APPROVING CAPITAL PROJECTS FOR DUTCHESS COMMUNITY COLLEGE

Date: March 16, 2017

# REPEALED BY 2018120

Budget, Finance, & Personnel

RESOLUTION NO. 2017047

BOND RESOLUTION DATED MARCH 16, 2017.

A RESOLUTION AUTHORIZING CERTAIN COUNTY PRELIMINARY EXPENSES IN CONNECTION WITH THE PLANNING FOR ROOF REPLACEMENT AND ELECTRICAL UPGRADES AT THE DUTCHESS COMMUNITY COLLEGE, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$313,125, AND AUTHORIZING THE ISSUANCE OF \$313,125 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described involves either (1) maintenance or repair involving no substantial changes in an existing structure or facility or (2) the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes; and

WHEREAS, it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that this project is a "Type II" Action within the meaning of Section 617.5(c)(1) & (2) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

BE IT RESOLVED, by the County Legislature of the County of Dutchess, New York, as follows:

Section 1. The County's share of preliminary planning and design expenses relating to roof replacement and electrical upgrades at Dutchess Community College, in and for said

County, including incidental expenses, is hereby authorized at a maximum estimated cost of \$313,125.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$313,125 bonds of the County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 62 (2<sup>nd</sup>) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as

the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Dutchess, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official

newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

\* \* \* \* \*

**CERTIFICATION FORM**

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF DUTCHESS    )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the “Issuer”), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on March 16, 2017, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 22 ayes and 0 noes, with 3 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on March 20, 2017, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

Southern Dutchess News  
Poughkeepsie Journal

March 10, 2017  
March 10, 2017

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting

22 Market Street, 6<sup>th</sup> Floor, County Office Building  
Poughkeepsie, NY 12601

March 10, 2017

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 16 day of March 2017.



*Carol Morris*

Clerk, County Legislature

APPROVED

*M. Molinaro*

MARCUS J. MOLINARO  
COUNTY EXECUTIVE

Date

*3/20/2017*

2017-DCC-Planning & Design-Roof Replacement & Electrical Upgrades

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$313,125	\$62,625	\$5,167	\$67,792
2	250,500	62,625	4,133	66,758
3	187,875	62,625	3,100	65,725
4	125,250	62,625	2,067	64,692
5	62,625	<u>62,625</u>	<u>1,033</u>	<u>63,658</u>
<b>TOTAL</b>		<u>\$313,125</u>	<u>\$15,500</u>	<u>\$328,625</u>
<b>AVG. PER YEAR</b>		\$62,625	\$3,100	\$65,725

**FISCAL IMPACT STATEMENT**

TOTAL PRINCIPAL	\$313,125	
ANTICIPATED INTEREST RATE		1.65%
TERM	5 YEARS	
ANTICIPATED ANNUAL COST (PRIN + INT):		\$65,725
TOTAL PAYBACK (ANNUAL COST x TERMS):		\$328,625

PREPARED BY HEIDI SEELBACH

**HC0503 - DCC Campus Infrastructure - Phase III/Roof Design**

**APPROPRIATIONS**

Increase

HC0503.2490.4401.105	Professional Services Consultants	\$626,250
		<u>\$626,250</u>

**REVENUES**

Increase

HC0503.2490.32850	Community College Construction - State Aid	\$313,125
HC0503.2490.57100	Serial Bonds - County	\$313,125
		<u>\$626,250</u>

\*Bond issuance costs will not be charged to the capital project, as Dutchess Community College will reimburse the County directly for that expense.

# *Budget, Finance, and Personnel Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	✓	
District 17 - Town and Village of Fishkill	Miccio*		
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District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (VC)		
District 6 - Town of Poughkeepsie	Flesland (C)		
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District 11 - Towns of Rhinebeck and Clinton	Tyner		
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District 15 - Town of Wappinger	Incoronato		
District 22 - Towns of Beekman and Union Vale	Coviello		

Present: <u>11</u>	Resolution: <u>✓</u>	Total: <u>11</u>	
Absent: <u>1</u>	Motion: <u>    </u>	Yes	<u>0</u>
Vacant: <u>0</u>		Abstentions: <u>0</u>	

**2017047** A RESOLUTION AUTHORIZING CERTAIN COUNTY PRELIMINARY EXPENSES IN CONNECTION WITH THE PLANNING FOR ROOF REPLACEMENT AND ELECTRICAL UPGRADES AT THE DUTCHESS COMMUNITY COLLEGE, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$313,125, AND AUTHORIZING THE ISSUANCE OF \$313,125 BONDS OF SAID COUNTY TO PAY THE COST THEREOF

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
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District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

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

**2017047** A RESOLUTION AUTHORIZING CERTAIN COUNTY PRELIMINARY EXPENSES IN CONNECTION WITH THE PLANNING FOR ROOF REPLACEMENT AND ELECTRICAL UPGRADES AT THE DUTCHESS COMMUNITY COLLEGE, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$313,125, AND AUTHORIZING THE ISSUANCE OF \$313,125 BONDS OF SAID COUNTY TO PAY THE COST THEREOF

Date: March 16, 2017

RESOLUTION NO. 2017048

RE: URGING PASSAGE OF SENATE BILL S1908 AND ASSEMBLY BILL A3397 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Legislators BORCHERT, MICCIO, BOLNER, SAGLIANO, JETER-JACKSON, TRUITT, LANDISI, INCORONATO, HORTON, TRUITT, BRENDLI and AMPARO offer the following and move its adoption:

WHEREAS, 51 of 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles Office, and

WHEREAS, local DMV offices process many no fee transactions on behalf of the state and provide numerous customer services, and

WHEREAS, under current law, the Dutchess County Clerk pays 87.3% of all fees collected from the work performed by the County DMV to the New York State Motor Vehicles Department, and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the County DMV office has increased in that same time period, and

WHEREAS, increasing the County DMV revenue sharing rate with the State will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provided necessary local government services, and

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing to fulfill these DMV needs for state residents, yet the State is paid 87.3% of the revenue generated from said services, and

WHEREAS, Senate Bill S1908 and Assembly Bill A3397 provide a more equitable distribution of fees that would require 75% of all fees for in-office transactions to be forwarded to the State with the county retaining 25% of these fees, with the exception that the amount of county retention of the fee for Enhanced Driver's Licenses would increase from 30% to 60% and the counties would retain 8% of the total fee for internet transactions processed for their perspective county residents, and

WHEREAS, counties recognize the important function of the State DMV in providing both support to counties and resident services; accordingly any loss the State DMV operational budget that occurs from increasing county revenue should be made whole through the State General fund, now, therefore, be it

RESOLVED, that the Dutchess County Legislature calls upon Governor Andrew M Cuomo and members of the State Legislature to pass and approve Senate Bill 1905 and Assembly Bill 3397, and, be it further

RESOLVED that the Clerk of the Dutchess County Legislature forward copies of this resolution to Governor Andrew M Cuomo, the New York State Executive Deputy Commissioner of Motor Vehicles, and Dutchess County representatives of the New York State 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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/24/2017

## FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

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

Total Current Year Revenue \$ 1,970,000

and Source  
A.1410.13.12550.05 - Clerk Fees - Motor Vehicle Fees

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 current 12.7% county share of DMV fee revenue is projected result in over \$2 million of revenue for 2017. Increasing the County share to 25% of DMV fee revenue collected, would result in a projected increase of \$1.97 million in revenue for 2017.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 10/20/2016

STATE OF NEW YORK

1908

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sens. RITCHIE, AKSHAR, BONACIC, MARCHIONE, ORTT, SERINO,  
SEWARD -- read twice and ordered printed, and when printed to be  
committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing  
the retention percentage collected for certain motor vehicle service  
fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and  
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter  
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part  
4 F of chapter 58 of the laws of 2012, are amended to read as follows:  
5 3. Each such county clerk shall retain from fees collected for any  
6 motor vehicle related service described in subdivision one of this  
7 section processed by such county clerk an amount based on a percentage  
8 of gross receipts collected. For purposes of this section, the term  
9 "gross receipts" shall include all fines, fees and penalties collected  
10 pursuant to this chapter by a county clerk acting as agent of the  
11 commissioner, but shall not include any state or local sales or compen-  
12 sating use taxes imposed under or pursuant to the authority of articles  
13 twenty-eight and twenty-nine of the tax law and collected by such clerk  
14 on behalf of the commissioner of taxation and finance. The retention  
15 percentage shall be [12.7] TWENTY-FIVE percent and shall take effect  
16 [April] JANUARY first, [nineteen hundred ninety-nine] TWO THOUSAND EIGH-  
17 TEEN; provided, however, the retention percentage shall be [thirty]  
18 SIXTY percent of the thirty dollar fee established in paragraph (e) of  
19 subdivision two of section four hundred ninety-one and paragraph f-one  
20 of subdivision two of section five hundred three of this chapter.  
21 3-a. In addition to the fees retained pursuant to subdivision three of  
22 this section, each county clerk acting as the agent of the commissioner  
23 pursuant to subdivision one of this section shall retain [four] EIGHT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD02057-01-7

1 percent of "enhanced internet and electronic partner revenue" collected  
2 by the commissioner. For the purposes of this subdivision, "enhanced  
3 internet and electronic partner revenue" shall mean the amount of gross  
4 receipts attributable to all transactions conducted on the internet by  
5 residents of such county and by designated partners of the department on  
6 behalf of such residents for the current calendar year that exceeds the  
7 amount of such revenue collected by the commissioner during calendar  
8 year two thousand eleven. The commissioner shall certify the amounts to  
9 be retained by each county clerk pursuant to this subdivision.  
10 [Provided, however, that if the aggregate amount of fees retained by  
11 county clerks pursuant to this subdivision in calendar years two thou-  
12 sand twelve and two thousand thirteen combined exceeds eighty-eight  
13 million five hundred thousand dollars, then the percentage of fees to be  
14 retained thereafter shall be reduced to a percentage that, if applied to  
15 the fees collected during calendar years two thousand twelve and two  
16 thousand thirteen combined, would have resulted in an aggregate  
17 retention of eighty-eight million five hundred thousand dollars or 2.5  
18 percent of enhanced internet and electronic partner revenue, whichever  
19 is higher. If the aggregate amount of fees retained by county clerks  
20 pursuant to this subdivision in calendar years two thousand twelve and  
21 two thousand thirteen combined is less than eighty-eight million five  
22 hundred thousand dollars, then the percentage of fees to be retained  
23 thereafter shall be increased to a percentage that, if applied to the  
24 fees collected during calendar years two thousand twelve and two thou-  
25 sand thirteen combined, would have resulted in an aggregate retention of  
26 eighty-eight million five hundred thousand dollars, or six percent of  
27 enhanced internet and electronic partner revenue, whichever is less. On  
28 and after April first, two thousand sixteen, the percent of enhanced  
29 internet and electronic partner revenue to be retained by county clerks  
30 shall be the average of the annual percentages that were in effect  
31 between April first, two thousand twelve and March thirty-first, two  
32 thousand sixteen.]  
33 S 2. This act shall take effect on the first of January next succeed-  
34 ing the date on which it shall have become a law.

3397

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. BRINDISI, BARCLAY, BARRETT, BLANKENBUSH, FINCH, GIGLIO, GOODELL, HAWLEY, LIFTON, LUPARDO, MAGEE, McDONALD, OAKS, PALMESANO, SKARTADOS, STECK -- Multi-Sponsored by -- M. of A. JENNE, KEARNS, LOPEZ, SIMON, STEC -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and  
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter  
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part  
4 F of chapter 58 of the laws of 2012, are amended to read as follows:  
5 3. Each such county clerk shall retain from fees collected for any  
6 motor vehicle related service described in subdivision one of this  
7 section processed by such county clerk an amount based on a percentage  
8 of gross receipts collected. For purposes of this section, the term  
9 "gross receipts" shall include all fines, fees and penalties collected  
10 pursuant to this chapter by a county clerk acting as agent of the  
11 commissioner, but shall not include any state or local sales or compen-  
12 sating use taxes imposed under or pursuant to the authority of articles  
13 twenty-eight and twenty-nine of the tax law and collected by such clerk  
14 on behalf of the commissioner of taxation and finance. The retention  
15 percentage shall be [12.7] TWENTY-FIVE percent and shall take effect  
16 [April] JANUARY first, [nineteen hundred ninety-nine] TWO THOUSAND EIGH-  
17 TEEN; provided, however, the retention percentage shall be [thirty]  
18 SIXTY percent of the thirty dollar fee established in paragraph (e) of  
19 subdivision two of section four hundred ninety-one and paragraph f-one  
20 of subdivision two of section five hundred three of this chapter.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02057-01-7

1 3-a. In addition to the fees retained pursuant to subdivision three of  
2 this section, each county clerk acting as the agent of the commissioner  
3 pursuant to subdivision one of this section shall retain [four] EIGHT  
4 percent of "enhanced internet and electronic partner revenue" collected  
5 by the commissioner. For the purposes of this subdivision, "enhanced  
6 internet and electronic partner revenue" shall mean the amount of gross  
7 receipts attributable to all transactions conducted on the internet by  
8 residents of such county and by designated partners of the department on  
9 behalf of such residents for the current calendar year that exceeds the  
10 amount of such revenue collected by the commissioner during calendar  
11 year two thousand eleven. The commissioner shall certify the amounts to  
12 be retained by each county clerk pursuant to this subdivision.  
13 [Provided, however, that if the aggregate amount of fees retained by  
14 county clerks pursuant to this subdivision in calendar years two thou-  
15 sand twelve and two thousand thirteen combined exceeds eighty-eight  
16 million five hundred thousand dollars, then the percentage of fees to be  
17 retained thereafter shall be reduced to a percentage that, if applied to  
18 the fees collected during calendar years two thousand twelve and two  
19 thousand thirteen combined, would have resulted in an aggregate  
20 retention of eighty-eight million five hundred thousand dollars or 2.5  
21 percent of enhanced internet and electronic partner revenue, whichever  
22 is higher. If the aggregate amount of fees retained by county clerks  
23 pursuant to this subdivision in calendar years two thousand twelve and  
24 two thousand thirteen combined is less than eighty-eight million five  
25 hundred thousand dollars, then the percentage of fees to be retained  
26 thereafter shall be increased to a percentage that, if applied to the  
27 fees collected during calendar years two thousand twelve and two thou-  
28 sand thirteen combined, would have resulted in an aggregate retention of  
29 eighty-eight million five hundred thousand dollars, or six percent of  
30 enhanced internet and electronic partner revenue, whichever is less. On  
31 and after April first, two thousand sixteen, the percent of enhanced  
32 internet and electronic partner revenue to be retained by county clerks  
33 shall be the average of the annual percentages that were in effect  
34 between April first, two thousand twelve and March thirty-first, two  
35 thousand sixteen.]

36 S 2. This act shall take effect on the first of January next succeed-  
37 ing the date on which it shall have become a law.

## *Government Services and Administration Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*	✓	
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano (C)		
District 4 - Town of Hyde Park	Black		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman (VC)		

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

**2017048 URGING PASSAGE OF SENATE BILL S1908 AND ASSEMBLY BILL A3397 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES**

Date: March 9, 2017

# Roll Call Sheets

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

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

**2017048** URGING PASSAGE OF SENATE BILL S1908 AND ASSEMBLY BILL A3397 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Date: March 16, 2017

RESOLUTION NO. 2017049

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR A FEE ACQUISITION AND A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY VERONICA M. STECKLER AND GEORGE W. STECKLER FOR THE REPLACEMENT OF BRIDGE M7, OVER THE ROELIFF-JANSEN KILL, TOWN OF MILAN (BIN 3343330)

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

WHEREAS, the Department of Public Works has proposed the replacement of Bridge M-7, County Route 51, (Academy Hill Road) over the Roeliff-Jansen Kill, which project (BIN 3343330) includes the acquisition of portions of certain properties, and

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

WHEREAS, by Resolution No. 2016167, adopted on July 11, 2016, this Legislature authorized the purchase of a fee acquisition of approximately 1,849 square foot parcel shown on Map 3, Parcel 6 and a temporary easement of approximately 592 square foot parcel on a portion of real property shown on Map 3, Parcel 7 located on Old Jackson Corners Road in the Town of Milan, Dutchess County, and described as Parcel Identification Number 133600-6573-00-996452-0000 from Veronica M. Steckler, as owner, and George W. Steckler, who possesses a life estate on this property, and

WHEREAS, at the time Resolution 2016167 was adopted, no mortgage existed on the premises; however, thereafter, Veronica M. Steckler applied for and received a mortgage on the property, and

WHEREAS, in order to close on the fee acquisition and the temporary easement from Veronica M. Steckler (owner), and George W. Steckler (life estate), the bank holding the mortgage is required to provide the County with a Partial Release of Mortgage, and

WHEREAS, to date the owners have not obtained the Partial Release of Mortgage, and therefore, clear title cannot be transferred to the County, and

WHEREAS, for reasons unknown to the Department of Public Works, the property owners have not exercised due diligence in obtaining the Partial Release of Mortgage to facilitate transfer of a Temporary Easement and Fee Acquisition, and

WHEREAS, the Dutchess County Department of Law has determined that the proposed acquisition of this Temporary Easement and Fee Acquisition are a "de minimus" acquisition pursuant to New York State Eminent Domain Law (EDPL) Section 206 (D) thus exempting the County from complying with the provisions of Article 2 of the EDPL, and

WHEREAS, it is now necessary for this Legislature to authorize the commencement of proceedings pursuant to the Eminent Domain Procedure Law for the acquisition of a Temporary Easement and Fee Acquisition as follows:

<u>Name</u>	<u>Map No./Parcel No.</u>	<u>Type</u>	<u>Square Ft</u> <u>Approx.</u>	<u>Proffered</u> <u>Amount</u>
Veronica M. Steckler, George W. Steckler, and Citizens Bank	Map 3, Parcel 6	Fee Acq.	1,849	\$600
Veronica M. Steckler, George W. Steckler Citizens Bank	Map 3, Parcel 7	Temp. Esmt.	592	\$100

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and he hereby is authorized and empowered to commence proceedings pursuant to the Eminent Domain Procedure Law for the Temporary Easement and Fee Acquisition on the above property in furtherance of the replacement of Bridge M-7, County Route 51, (Academy Hill Road) over the Roeliff-Jansen Kill, Dutchess County, New York, and it is further

RESOLVED, that the Commissioner of Public Works is authorized to spend up to \$1,000.00 to cover costs and expenses, (not including the \$700.00 proffered amount) associated with the Eminent Domain proceeding.

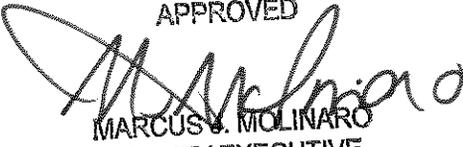
CA-034-17  
CAB/kvh/R-0952-D  
02/16/17  
Fiscal Impact: See attached statement

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

APPROVED  
  
MARCUS S. MOLINARO  
COUNTY EXECUTIVE  
Date 3/19/2017

  
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 \$ 1,700

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):  
H0460.5120.3450

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

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

Net County Cost (this year): \$1,700  
Over Five Years: \_\_\_\_\_

**Additional Comments/Explanation:**

Replacement of Bridge M-7, County Route 51 (Academy Hill Road over the Roeliff-Jansen Kill  
Town of Milan, Dutchess County

This Fiscal Impact Statement pertains to the Resolution Request for authorization to acquire a Fee Acquisition of a 1849 +/- square foot parcel as shown on Map 3, Parcel 6 for \$600 and a Temporary Easement of a 592 +/- square foot parcel as shown on Map 3, Parcel 7 for \$100.

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

Prepared by: Robert H. Balkind, P.E.

Prepared On: 2/6/17

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Dutchess Co. Bridge M-7 Academy Hill Rd - CR 51 Bridge Replacement over the Roeliff Jansen Kill  
PIN: n/a Map No.: 03 Parcels: 6 & 7

This Agreement by and between VERONICA M. STECKLER hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS hereinafter referred to as "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 1,849± square feet (area under water 555± square feet) of real property.
- a permanent easement to ± square feet of real property
- a temporary easement to 592± square feet (area under water 245± square feet) of real property

Located at 11 Old Jackson Corners Road, Town of Milan, Dutchess County, New York, further described as:

Being a portion of those same lands described in that certain deed dated November 14, 2014, and recorded November 18, 2004 in Instrument # 2014-7147 in the Office of the County Clerk for Dutchess County, New York (re: Tax Map No. 6573-00-996452), and being the same lands designated as parcels 6 & 7 on Exhibit "A", attached hereto.

- 2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: trees/erosion control.
- 3. PURCHASE PRICE. The total purchase price is SEVEN HUNDRED AND 00/100 DOLLARS (\$700.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any, and the items described in paragraph 13, if any.
- 4. PAYMENT. All by check at closing.
- 5. CLOSING DATE AND PLACE. Transfer of Title shall take place at the Dutchess County Clerk's Office, or at another mutually acceptable location, on or about 90 days from the date of the fully approved agreement.
- 6. BUYER'S POSSESSION OF THE PROPERTY. For fee simple acquisitions and permanent easements, the Buyer shall have possession of the property rights on the day payment is received by the Seller. Any closing documents received by the municipality prior to payment pursuant to paragraph 5 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent. All temporary easements shall commence within nine months of the temporary easement execution date. The term of the temporary easement(s) shall be for two years.
- 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.

COUNTY ROAD 51 - ACADEMY HILL ROAD  
BRIDGE REPLACEMENT  
OVER THE ROELIFF, JANSEN KILL

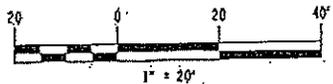
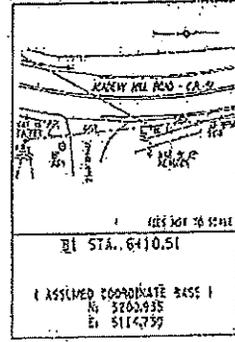
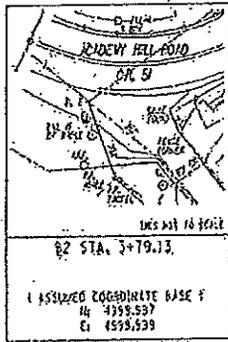
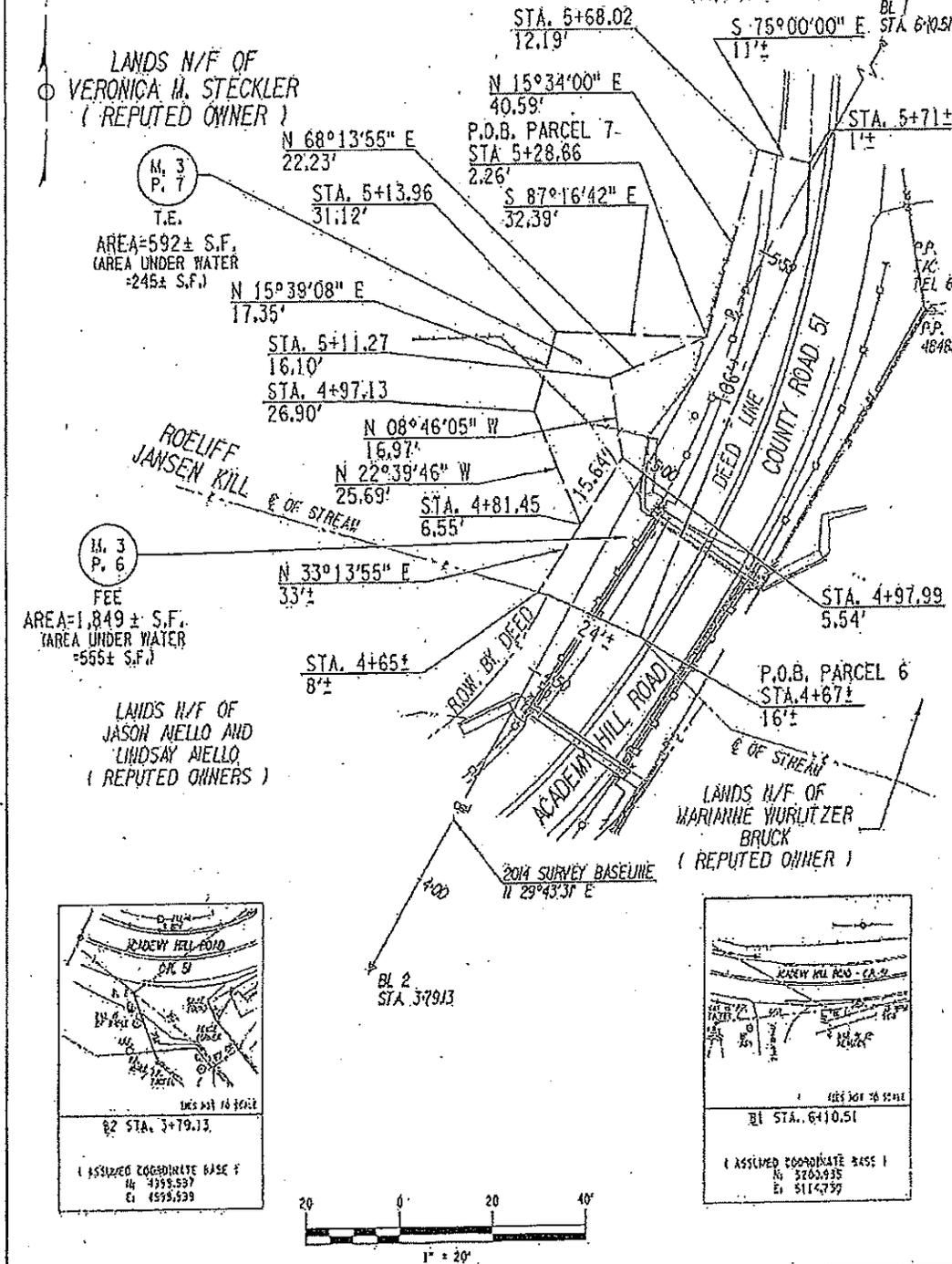
DUTCHESS COUNTY  
ACQUISITION MAP

MAP NO. 3  
PARCEL NOS. 6 & 7  
SHEET 1 OF 2 SHEETS

Parcel Location Points  
Parcel No. 6  
In 5068.4231  
Ei 5057.8591  
Parcel No. 7  
In 5130.8808  
Ei 5072.1821

LANDS N/F OF  
VERONICA M. STECKLER  
( REPUTED OWNER )  
CC; DOC. NO. 02-2014-7147

PARCEL SUMMARY:  
Type: FEE & TEMPORARY EASEMENT  
Portion of 2013 Tax Map  
Ref. No. 133600-6573-00-996452  
Town of Milan  
County of Dutchess  
State of New York



All that piece or parcel of property hereinafter designated as Parcel No. 6, situate in the Town of Milan, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point in the center of the highway bridge floor, as it existed in 1939, and also being on the division line between the lands now or formerly of Marianne Wurlitzer Bruck (reputed owners) on the east and the lands now or formerly of Veronica M. Steckler (reputed owner) on the west, said point being 16± feet distant southeasterly measured at right angles from Station 4+67± of the hereinafter described survey baseline for Academy Hill Road - County Road 51 bridge replacement over the Roeliff Jansen Kill; thence northeasterly along the centerline of the Roeliff Jansen Kill 24± feet to a point 8± feet distant northwesterly measured at right angles from Station 4+65 of said baseline; thence through the lands now or formerly of Veronica S. Steckler (reputed owner) the following five (5) courses and distances: 1) N 33°13'55" E, 33± feet to a point 5.54 feet distant northwesterly measured at right angles from Station 4+97.99 of said baseline; 2) N 08°46'05" W, 16.97 feet to a point 16.10 feet distant northwesterly measured at right angles from Station 5+11.27 of said baseline; 3) N 68°13'55" E, 22.23 feet to a point 2.26 feet distant northwesterly measured at right angles from Station 5+28.66 of said baseline; 4) N 15°34'00" E, 40.59 feet to a point 12.19 feet distant northwesterly measured at right angles from Station 5+68.02 of said baseline; and 5) S 75°00'00" E, 11± feet to a point in the centerline of Academy Hill Road - County Road 51, as it existed in 1939, and also on the division line between the lands now or formerly of Marianne Wurlitzer Bruck (reputed owners) on the east and the lands now or formerly of Veronica M. Steckler (reputed owner) on the west, said point being 11 feet distant northwesterly measured at right angles from Station 5+71± of said baseline; thence southerly along said centerline and division line 106± feet to the point of beginning, being 1,849 square feet of land, more or less.

AND ALSO  
TEMPORARY EASEMENT FOR WORK AREA AND GRADING

A temporary easement to be exercised in, on and over the property delineated above for the purpose of a work area and grading in connection with the reconstruction of the highway and appurtenances for use and exercisable during the construction or reconstruction of the highway and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for highway purposes, and released by the Dutchess County Superintendent of Highways or other authorized representative acting for Dutchess County, or its assigns. Such easement shall be exercised in and to all that piece or parcel or property hereinafter designated as Parcel No. 7 as shown on the accompanying map and described as follows:

All that piece or parcel of property hereinafter designated as Parcel No. 7, situate in the Town of Milan, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the proposed westerly boundary line of Academy Hill Road - County Road No. 51, said point being 2.26 feet distant northwesterly measured at right angles from Station 5+28.66 of the hereinafter described survey baseline for Academy Hill Road - County Road 51 bridge replacement over the Roeliff Jansen Kill; thence through the lands now or formerly of Veronica S. Steckler (reputed owner) the following six (6) courses and distances: 1) S 68°13'55" W, 22.23 feet to a point 16.10 feet distant northwesterly measured at right angles from Station 5+11.27 of said baseline; 2) S 08°46'05" E, 16.97 feet to a point 5.54 feet distant northwesterly measured at right angles from Station 4+97.99 of said baseline; 3) S 33°13'55" W, 15.64 feet to a point 6.55 feet distant northwesterly measured at right angles from Station 4+81.45 of said baseline; 4) N 22°39'46" W, 25.69 feet to a point 26.90 feet distant northwesterly measured at right angles from Station 4+97.13 of said baseline; 5) N 15°39'08" E, 17.35 feet to a point 31.12 feet distant northwesterly measured at right angles from Station 5+13.96 of said baseline; and 6) S 87°16'42" E, 32.39 feet to the point of beginning, being 592 square feet of land, more or less.

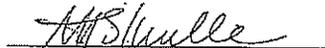
RESERVING, however, to the owner of any right, title or interest in and to the property above delineated as Parcel No. 7 above, and such owner's successors or assigns, the right of access and the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for 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 2014 survey baseline for the Academy Hill Road - County Road 51 bridge replacement over the Roeliff Jansen Kill and is described as follows:

Beginning at Station 1+00.00; thence South 76°44'59" East to Station 3+79.13; thence North 29°43'31" East to Station 6+10.51.

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

Date 3-4 2016

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

Recommended by:

Date March 3 2016

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



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

I hereby certify that this map was prepared in accordance with current NYS DOT policies, standards and procedures.

Date FEBRUARY 29 2016  
CREIGHTON MANNING ENGINEERING, LLP

  
Donald G. Sovey Land Surveyor  
P.L.S. License No. 050078

**DUTCHESS COUNTY ATTORNEY'S OFFICE**

**County Office Building  
22 Market Street  
Poughkeepsie, New York 12601  
Tel. (845) 486-2110  
Fax (845) 486-2002**

**MEMORANDUM :**

TO: James M. Fedorchak, County Attorney  
FROM: Christian R. Cullen, Senior Assistant County Attorney;  
DATE: February 15, 2017  
FILE: R-0952-D  
RE: NY Eminent Domain Law Section 206(D) "de minimis" determination

NY Eminent Domain Law Section 206(D) provides that the condemnor, in this case the County of Dutchess, shall be exempt from compliance with the provisions of this article: "when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project or because of an emergency situation the public interest will be endangered by any delay caused by the public hearing requirement in this article."

The M7 bridge replacement project is not only de minimis but involves the replacement of a bridge and is, therefore, in the best interest of the public's safety.

This project consists of a temporary easement and the acquisition of less than one half acre of land. The fact that the amount of land is not substantial does not necessarily render a taking "de minimis in and of itself, but when the acquisition sought is limited to an easement that allows the public to use an existing roadway and does not otherwise interfere with current land use and merely restores public access by replacing a pre-existing structure, i.e., a bridge, it qualifies this project to be determined "de minimis" and, therefore, exempt. Eagle Creek Land Resources v. Woodstone Lake Development, LLC, 108 AD3d 71 (Third Dept., 2013).

Any claim that the public access easement will have a significant impact on the value of the homeowner's property is a proper subject of an EDPL article 5 proceeding to determine respondents' rights to compensation—but does not preclude a finding that the acquisition is de minimis for the purposes of the hearing provisions of EDPL article 2.

Likewise, a proposed taking of permanent easement was properly deemed "de minimis," exempting such project where land was not being used for commercial purposes and there was no evidence of current plans for its development. Rockland County Sewer Dist. No. 1 v. J. & J. Dodge, Inc., 213 A.D.2d 409 (2 Dept. 1995).

# *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*		
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 20 - Town of Red Hook	Strawinski*		
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 4 - Town of Hyde Park	Black		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt		
District 8 - City and Town of Poughkeepsie	Brendli		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Landisi		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (C)		

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

**2017049** AUTHORIZING CONDEMNATION PROCEEDING FOR A FEE ACQUISITION AND A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY VERONICA M. STECKLER AND GEORGE W. STECKLER FOR THE REPLACEMENT OF BRIDGE M7, OVER THE ROELIFF-JANSEN KILL, TOWN OF MILAN (BIN 3343330)

Date: March 9, 2017

# Roll Call Sheets

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

**Present:** 22      **Resolution:**       **Total :** 22      0  
**Absent:** 3      **Motion:**       **Yes**      **No**  
**Vacant:** 0      **Abstentions:** 0

**2017049 AUTHORIZING CONDEMNATION PROCEEDING FOR A FEE ACQUISITION AND A TEMPORARY EASEMENT OF REAL PROPERTY OWNED BY VERONICA M. STECKLER AND GEORGE W. STECKLER FOR THE REPLACEMENT OF BRIDGE M7, OVER THE ROELIFF-JANSEN KILL, TOWN OF MILAN (BIN 3343330)**

Date: March 16, 2017

RESOLUTION NO. 2017050

RE: AUTHORIZING FILING OF SECTION 5307 and 5339 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2017 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Legislators PULVER, BOLNER, FLESLAND, TRUITT, HORTON, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Federal Transit Administration is authorized to make grants for mass transportation projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon Dutchess County, including provision by it of the local share of project costs and the Commissioner of Department of Public Works will be advised when and if the Federal Transit Administration has granted funds to Dutchess County under Section 5307 and 5339, and

WHEREAS, the Federal Transit Administration requires, in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, Dutchess County will issue an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Federal Transit Administration requirements thereunder, and

WHEREAS, it is the goal of Dutchess County that minority business enterprises be utilized according to the goals of the disadvantaged business enterprises (DBE) program in connection with mass transportation projects and that definite procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring contracts for construction, supplies, equipment or consultant and other services, and

WHEREAS, grant applications will be filed with the Federal Transit Administration for capital assistance under Section 5307 for up to \$2,750,000 to support Project Administration, Preventive Maintenance of federally-funded assets (80% federal, 10% state, and 10% local), and operating assistance (50% federal and 50% local). Capital assistance under Section 5339 will be up to \$400,000, to be used to assist in funding Dutchess County Public Transit for the purchase of a transit bus and bus equipment in 2017 (80% federal, 10% state, and 10% local), and

WHEREAS, the State matching portion of the grants for capital assistance under Sections 5307 will be up to \$200,000 for Project Administration and Preventive Maintenance of federally-funded assets and 5339 will be up to \$50,000, to assist in funding Dutchess County Public

Transit for the purchase of a transit bus and bus equipment described in the previous "Whereas" clause, and

WHEREAS, it is necessary for this Legislature to authorize the filing and execution of applications and to amend the Capital Project, ET0490, to accept such additional funds and provide for the receipt and expenditure of said additional funds, and

WHEREAS, State Mass Transportation Capital Aid is available to fund projects approved by the Commissioner of Transportation, now, therefore, be it

RESOLVED, that the County Executive or his designee be and is hereby authorized to execute and file applications with the Federal Transit Administration for Sections 5307 and 5339 Capital project funds and under the Urban Mass Transportation Act of 1964, as amended and to furnish such additional information as the Federal Transit Administration may require in connection with the applications, and be it further

RESOLVED, that the County Executive or his designee be and is hereby authorized to execute such grant agreements arising from such applications on behalf of Dutchess County with the Federal Transit Administration to aid in the financing of capital projects pursuant to Sections 5307 and 5339 of the Urban Mass Transportation Act of 1964, as amended, and be it further

RESOLVED, that the County Executive or his designee be and is hereby authorized to set forth and execute affirmative action minority business policies in connection with the projects' procurement needs, and be it further

RESOLVED, that the County Executive or his designee be and is hereby authorized to receive on behalf of Dutchess County, financial assistance for capital projects pursuant to Sections 5307 and 5339 of the Urban Mass Transportation Act of 1964, as amended, and

RESOLVED, that the County Executive be and he is hereby authorized to execute any necessary agreements arising from such applications on behalf of Dutchess County with the New York State Department of Transportation to aid in the financing of capital projects; and

RESOLVED, that the Commissioner of Finance is hereby authorized, empowered and directed to amend the Capital Project as follows:

APPROPRIATIONS:

Increase:

ET0490.5680.2300.05	Motor Vehicles – 5 year	\$500,000
A.9950.9850	Contribution to ET Capital	<u>50,000</u>
		<u>\$550,000</u>

REVENUES:

Increase:

ET0490.5680.45890.00	Federal - Other Transportation – Capital Project	\$400,000
ET0490.5680.35890.00	State – Other Transportation-Capital Project	50,000
A.9998.95110.87	Appropriated Reserve Capital	50,000
ET0490.5680.50310	Interfund Transfers	50,000
		<u>\$550,000</u>

CA-036-17

CAB/kvh/G-0930-B

02/24/17

Fiscal Impact: See attached statement

APPROVED

  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE

Date

3/24/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
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 \$ 4,400,000

Total Current Year Revenue \$ 3,400,000

**and Source**

\$ 2,750,000 Federal 5307 funds	\$ 400,000 Federal 5339 funds
\$ 200,000 NYS Matching funds	\$ 50,000 NYS Matching funds
\$ 950,000 Dutchess County matching funds	\$ 50,000 Dutchess County matching funds

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

**Identify Line Items(s):**

The operating budget funding (5307 and NYS match) is included in the existing 2017 budget. The capital funding (5339) for buses and bus equipment requires an amendment to an existing capital project (ET0490) with the County share coming from Capital Reserve.

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

Nature/Reason:

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

Net County Cost (this year): \$1,000,000

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

**Additional Comments/Explanation:**

This resolution will authorize the County Executive or his designee to apply for, sign agreements for and accept federal and state funding to support public transit operating assistance, project administration, and preventive maintenance, and capital purchases.

\$2,950,000 in operating revenue (5307) is included in the 2017 budget and will reimburse eligible expenses. The county share of \$950,000 listed above is already included in the 2017 budget.

The \$450,000 in capital revenue (5339) requires an amendment to an existing capital project ET0490, with the \$50,000 County share coming from Capital Reserve.

Prepared by: Cynthia Ruiz, Transit Administrator

Prepared On: 2/24/17

**PUBLIC NOTICE**  
**5307 CAPITAL&OPERATING/5339 CAPITAL/5311 OPERATING**  
**ASSISTANCE PROJECT FOR the 2017 FISCAL YEAR**

Public notice is hereby made that Dutchess County is applying for federal and state financial assistance to administer and maintain a public transit program including late evening and early commuter service for rural and urban areas in Dutchess County and connecting service to Westchester and Ulster Counties. The transportation service will be available to the general public during all hours of operation. The project is expected to be financed by federal Section 5339 and federal section 5307 funds with additional funds to be provided from New York State Department of Transportation and Dutchess County funds. The total federal share is expected to be up to \$3,350,000. The total federal share for bus replacement is expected to be up \$400,000.

Comments on the proposed project are invited from the general public, private bus and taxi companies, other public transportation providers and human service agencies. Interested parties may comment on the project or obtain more details by writing to: Vita Dobosh, Transit Management of Dutchess County, 14 Commerce Street, Poughkeepsie, NY 12603.

The projects are as follows:

- Preventive maintenance for vehicles and facilities
- Project Administration
- Operating Assistance
- Bus Replacement

Human service agencies that receive assistance from other Federal agencies for non-emergency transportation services are encouraged to participate and coordinate with the provider in the planning, design and delivery of transportation services. Agencies may obtain copies of the service proposal and submit proposals for service coordination. Private bus and taxi operators may request copies of the project service description from the above named person and may submit comments on the service as described.

If you wish to comment on any aspect of the proposed project, submit a proposal or a request for service coordination or request a public hearing on the project, you must make your interest known in writing within ten days of the date of this publication and provide your comments within ten days of your receipt of the project service description. Your requests and/or comments must be forwarded to the above person.

If there are no changes to this program of projects, this notice will be the final program of projects. If there are any changes to the program, it will be published again.

## *Public Works and Capital Projects Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert*	✓	
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District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (C)		
<b>Present:</b>	<u>11</u>	<b>Resolution:</b> ✓	<b>Total :</b>
<b>Absent:</b>	<u>1</u>	<b>Motion:</b> _____	<u>11</u>
<b>Vacant:</b>	<u>0</u>		<u>0</u>
			Yes
			No
			<b>Abstentions:</b> <u>0</u>

**2017050** AUTHORIZING FILING OF SECTION 5307 and 5339 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2017 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Date: March 9, 2017

# Roll Call Sheets

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District 22 - Towns of Beekman and Union Vale	Coviello		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total: 22 0  
 Yes No  
 Abstentions: 0

**2017050** AUTHORIZING FILING OF SECTION 5307 and 5339 GRANT APPLICATIONS FOR FEDERAL FISCAL YEAR 2017 WITH THE FEDERAL TRANSIT ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR MATCHING FUNDS FOR CAPITAL ASSISTANCE UNDER URBAN MASS TRANSPORTATION ACT OF 1964

Date: March 16, 2017

Family & Human Services

RESOLUTION NO. 2017051

RE: EXTENSION OF APPOINTMENT OF MARGARET HIRST, LCSW-R, AS ACTING COMMISSIONER OF THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH UNTIL ON OR ABOUT APRIL 17, 2017

Legislators THOMES, BORCHERT, MICCIO, HORTON, LANDISI and BOLNER offer the following and move its adoption:

WHEREAS, by Resolution 2016236 the County Executive appointed Margaret Hirst as Acting Commissioner of the Department of Behavioral & Community Health, effective September 24, 2016, and not to exceed six months, and

WHEREAS, Dutchess County is required to have a Commissioner of the Department of Behavioral & Community Health, and

WHEREAS, the County Executive has appointed Anil K. Vaidian MD, MPH, to be the Commissioner of the Department of Behavioral & Community Health for a six (6) year term effective on or about April 17, 2017, through April 16, 2023, subject to the approval of this Legislature and the Commissioner of the New York State Commissioner of Health, and

WHEREAS, it is necessary and appropriate to extend Margaret Hirst's appointment by the County Executive as Acting Commissioner of the Department of Behavioral & Community Health until Dr. Vaidian officially assumes office on or about April 17, 2017, and

WHEREAS, pursuant to Section 3.04 of the Charter, this Legislature has the authority to extend the appointment of Margaret Hirst, LCSW-R, as Acting Commissioner of the Department of Behavioral & Community Health, now therefore, be it

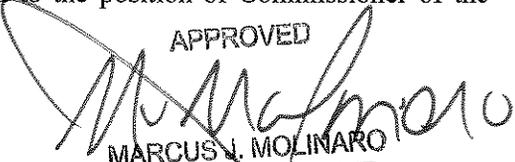
RESOLVED, that Margaret Hirst's appointment by the County Executive as Acting Commissioner of the Department of Behavioral & Community Health shall be until Dr. Vaidian officially assumes office which is anticipated to be on or about April 17, 2017, and be it further

RESOLVED, that Dr. Dennis Joseph Chute shall be available to provide medical consultation as needed until a medical doctor has been permanently appointed to the position of Commissioner of the Department of Behavioral & Community Health.

CA-038-17  
JMF/CRC/kvh  
G-1652-B  
03/06/17

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
3/24/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## *Family and Human Services Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *		
District 17 - Town and Village of Fishkill	Miccio*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner *		
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District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		
<b>Present:</b>	<u>11</u>	<b>Resolution:</b>	<input checked="" type="checkbox"/>
<b>Absent:</b>	<u>1</u>	<b>Motion:</b>	<input type="checkbox"/>
<b>Vacant:</b>	<u>0</u>	<b>Total :</b>	<u>11</u> <u>0</u>
		<b>Abstentions:</b>	<u>0</u> Yes      No

**2017051** EXTENSION OF APPOINTMENT OF MARGARET HIRST, LCSW-R, AS ACTING COMMISSIONER OF THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH UNTIL ON OR ABOUT APRIL 17, 2017

Date: March 9, 2017

# Roll Call Sheets

District	Last Name	Yes	No
District 3 - Town of LaGrange	Borchert		
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District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn		

Present: 22      Resolution:       Total: 22      0  
 Absent: 3      Motion:       Yes      No  
 Vacant: 0      Abstentions: 0

**2017051** EXTENSION OF APPOINTMENT OF MARGARET HIRST, LCSW-R, AS ACTING COMMISSIONER OF THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH UNTIL ON OR ABOUT APRIL 17, 2017

Date: March 16, 2017

RESOLUTION NO. 2017052

RE: A RESOLUTION OF OPPOSITION TO THE UNITED STATE COAST GUARD DOCKET ID USCG-2016-0132 TO THE ADDITION OF NEW ANCHORAGE GROUNDS IN THE HUDSON RIVER

Legislators BRENDLI, STRAWINSKI, TYNER, JETER-JACKSON, RIESER, BLACK, FORMAN, BORCHERT, MICCIO, SAGLIANO, FLESLAND, INCORONATO, LANDISI, COVIELLO, TRUITT, and HORTON offer the following and move its adoption:

WHEREAS, the Hudson River Valley from New York City to Albany, including Dutchess County, is a National Heritage Area of extraordinary natural beauty and major historic, cultural, and economic importance; and

WHEREAS, the Hudson River is an important asset to Dutchess County and its tourism endeavors; and

WHEREAS, the United States Coast Guard is considering establishing new, long-term anchorages in the Hudson River from Yonkers, New York to Kingston, New York; and

WHEREAS, the United States Coast Guard has solicited comments and concerns from the public on a proposal to establish forty-two commercial tanker berths at ten sites on the Hudson from Yonkers to Kingston; and

WHEREAS, seven of the ten proposed sites are in, next to, or near Dutchess County: Kingston Flats, Port Ewen, Big Rock Point, Milton, Newburgh, Tompkins Point and Montrose Point; and

WHEREAS, the berthing of large oil tankers for extended periods of time threatens our river with potential pollution from oil leaks; and

WHEREAS, in the event of an oil spill or other disaster, county agencies such as the Dutchess County Sheriff's Office may be required to respond and commit time and manpower to assisting in mitigation efforts; and

WHEREAS, previous incidents have demonstrated, as in the case of the spill in the Mississippi River in 2014, that clean-up efforts are complicated, with 2 percent or less reclamation; and

WHEREAS, decades of industrial pollution has turned our River, this National Heritage Area, into one of America's largest EPA Superfund sites, stretching from Hudson Falls to New York City; and

WHEREAS, our local governments have spent years fighting to recover, protect, and preserve our vital Hudson River environment through initiatives including the New York State LWRP/LWRA, the Greenway Compact, comprehensive plans, and land use and zoning laws; and

WHEREAS, this proposal risks undoing our efforts to revitalize the Hudson River; and

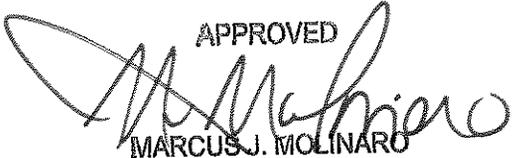
WHEREAS, the berthing of large oil tankers creates river bottom "scarring" by anchors and anchor chains, endangers the habitats of wildlife, creates noise and night-time light pollution that disturbs the peace and tranquility of residents, and destroys the natural scenic beauty of the River and its viewshed; and be it

RESOLVED, that the Dutchess County Legislature opposes the United States Coast Guard's Docket ID USCG-2016-0132 to the addition of new anchorage grounds in the Hudson River that has been put forth at the request of the Maritime Association of the Port of New York/New Jersey; and, be it further

RESOLVED, that the Dutchess County Legislature does not believe that sufficient need exists to subject our communities to the impacts and risks enumerated above; and, be it further

RESOLVED, that the Dutchess County Legislature strongly recommends that the expansion request be denied in order to protect and preserve this fragile, vital, and historic Hudson River for the benefit of our communities and for the public to whom it belongs; and be it further

RESOLVED, that the Dutchess County Legislature does hereby authorize and request the Clerk of the Legislature or her designee(s) to forward this resolution to the United States Coast Guard and local United States Senators and Representatives.

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/24/2017

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 16<sup>th</sup> day of March 2016 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 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

No Fiscal Impact

### FISCAL IMPACT STATEMENT

#### APPROPRIATION RESOLUTIONS

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 Item (s):  
Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): \$

(over five years): \$

Additional comments:

This resolution entitled, "**A RESOLUTION OF OPPOSITION TO THE UNITED STATES COAST GUARD'S DOCKET ID USCG-2016-0132 PROPOSAL TO ALLOW THE ADDITION OF NEW ANCHORAGE GROUNDS IN THE HUDSON RIVER**" does not have a current nor immediate fiscal impact on Dutchess County. However, the following fiscal impacts could occur if the anchorages are approved and implemented:

- 1) Properties overlooking the Hudson River could be devalued as a result of barges being allowed to park and conduct business for long periods of time in front of these residences. Property devaluation would impact the amount of property tax that Dutchess County could collect on these valuable parcels.
- 2) The unknown cost of potential oil spill clean-ups, environmental issues, and/or drinking water contamination clean-ups that would require the assistance of Dutchess County's Emergency Response division.
- 3) The unknown cost of this proposal's effect on Dutchess County tourism.

Discussion on Resolution No. 2017052 proceeded as follows:

Legislator Surman stated he will be voting against this resolution and explained his reasoning.

Legislator Strawinski called point of order for going off topic.

Chairman Borchert ruled Legislator Surman out of order and requested to return to topic.

Roll call on the foregoing resolution resulted as follows:

YES:           21     Borchert, Miccio, Bolner, Strawinski, Black, Brendli, Coviello,  
                                  Flesland, Horton, Incoronato, Jeter-Jackson, Landisi, Metzger,  
                                  Nesbitt, Rieser, Roman, Sagliano, Thomes, Truitt, Tyner,  
                                  Washburn

NAYS:         1     Surman

ABSENT:      3     Amparo, Forman, Pulver

Resolution adopted.

## *Environment Committee Roll Call*

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 3 - Town of LaGrange	Borchert *	1	
District 17 - Town and Village of Fishkill	Miccio*	2	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*	3	
District 20 - Town of Red Hook	Strawinski*	4	
District 14 - Town of Wappinger	Amparo*	<i>absent</i>	
District 9 - City of Poughkeepsie	Rieser	5	
District 11 - Towns of Rhinebeck and Clinton	Tyner	6	
District 12 - Town of East Fishkill	Metzger	7	
District 16 - Town of Fishkill and City of Beacon	Forman (C)	8	
District 22 - Towns of Beekman and Union Vale	Coviello	9	
District 24 - Towns of Dover and Union Vale	Surman		1
District 25 - Towns of Amenia, Washington, Pleasant Valley	Washburn (VC)	10	
Present: <u>11</u>	Resolution: <u>✓</u>	Total: <u>10</u>	<u>1</u>
Absent: <u>1</u>	Motion: <u>    </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

**2017052** A RESOLUTION OF OPPOSITION TO THE UNITED STATES COAST GUARD'S DOCKET ID USCG-2016-0132 TO THE ADDITION OF NEW ANCHORAGE GROUNDS IN THE HUDSON RIVER

Date: March 9, 2017

# Roll Call Sheets

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

Present: 22  
 Absent: 3  
 Vacant: 0

Resolution:   
 Motion:

Total: 21 1  
 Yes No  
 Abstentions: 0

**2017052** A RESOLUTION OF OPPOSITION TO THE UNITED STATES COAST GUARD'S DOCKET ID USCG-2016-0132 TO THE ADDITION OF NEW ANCHORAGE GROUNDS IN THE HUDSON RIVER

Date: March 16, 2017

# Dutchess County Legislature



## Commendation: Harry Baldwin

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature seeks to acknowledge the contributions of individuals who perform public service for Dutchess County, and

WHEREAS, Harry Baldwin has been a member of the Agriculture and Farmland Protection Board since its inception in 1993, and

WHEREAS, in 1997, the Agriculture and Farmland Protection Board completed the first Dutchess County Agriculture and Farmland Protection Plan, which was ultimately adopted in 1998 by the Legislature qualifying Dutchess County to apply for State Purchase of Development Rights ("PDR") funds and Harry was the initial chair which developed the original criteria PDR projects, and

WHEREAS, Harry became Board Chair in 2005, and has overseen the 2008 and 2016 8-year reviews of Dutchess County's Agricultural Districts, the annual inclusion process every year since 2006, as well as the 2015 update to the Dutchess County Agriculture and Farmland Protection Plan, and

WHEREAS, during Harry's time as Board Chair, 25 PDR projects have been completed as partnerships between Dutchess County, local towns, the Federal and State Governments, and private land trusts, resulting in the conservation of over 3,000 acres of Farmland and an investment of about \$2.5 million by Dutchess County's Partnership for Manageable Growth has leveraged combined investments of municipal, state, federal, and private dollars totaling over \$21 million representing a key source of funding that has been introduced into Dutchess County's farm economy and under Harry's guidance, the Board has played a key role in these projects, both as applicant and endorser of projects now, therefore, be it

RESOLVED, that the Dutchess County Legislature on behalf of all people of Dutchess County does hereby commend, congratulate, and thank Harry Baldwin for his many years of dedication serving the government and residents of Dutchess County, and, be it further

RESOLVED, that the Dutchess County Legislature hereby extends its best wishes to Harry Baldwin in all his future endeavors.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

Resolution No. 2017053

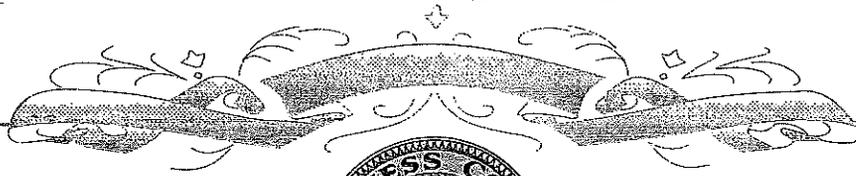
ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of March 2016, 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 16<sup>th</sup> day of March 2016.

*Carol J. Morris*  
CAROL J. MORRIS, CLERK OF THE LEGISLATURE

# Dutchess County Legislature



Condolence: Anne Richer

The Dutchess County Legislature offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature has learned with sadness and regret of the recent death of Anne Richer; a long time County employee, on March 7, 2017, at the age of 94, and

WHEREAS, Anne's career of service with Dutchess County spanned over 20 years beginning with a position in the Dutchess County Finance Department in 1976 as a Principal Account Clerk before being promoted to Payroll Supervisor in 1984 where she oversaw the processing of payroll for approximately 1,700 County employees until she retired in 1996, and

WHEREAS, after retiring Anne developed a passion for activism being one of the charter members, and longtime chairwoman, of the Retired Public Employee's Association, and she was also active in the Town of Poughkeepsie and the Dutchess County Republican Party, and

WHEREAS, her passing will be mourned by her family, friends, and colleagues throughout Dutchess County, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Anne Richer, and, be it further

RESOLVED, that the meeting of the Dutchess County Legislature be adjourned in memory of the late Anne Richer.

Resolution No. 2017054

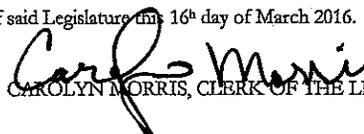
STATE OF NEW YORK

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 16<sup>th</sup> day of March 2016, 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 on the 16<sup>th</sup> day of March 2016.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

On motion by Legislator Bolner, duly seconded by Legislator Thomes and carried, the Rules were suspended to allow the public to address the Legislature on agenda and non-agenda items.

Charles Davenport, Wappingers Falls, thanked the Legislature for supporting the resolution on anchorages.

Maria Fury spoke in support of Dutchess County becoming a sanctuary county.

Louis Santos spoke in support of Dutchess County becoming a sanctuary county.

Caroline Fenner, Town of Poughkeepsie, spoke in support of Dutchess County becoming a sanctuary county.

Elizabeth Armstrong, Town of Poughkeepsie, spoke in opposition to the jail expansion and racism.

Hannah Seltz, Tivoli, spoke in support of Dutchess County becoming a sanctuary county.

Robert Doerr, Rhinebeck, spoke in support of Dutchess County becoming a sanctuary county.

Dave Heller, Rhinebeck, spoke in support of Dutchess County becoming a sanctuary county and thanked the Legislature for adopting the anchorage resolution. He also spoke in favor of rank choice voting.

Ed O'Connor, Milan, spoke in support of Dutchess County becoming a sanctuary county.

Dara Grannan, Town of Poughkeepsie, spoke in support of Dutchess County becoming a sanctuary county.

Dave Tobias and Bill Garvin of Peacock Lane and Judy Schacty of Carabel Lane, Rhinebeck, spoke regarding increased traffic on Route 9G between Route 9 and Route 308 and the danger it is causing.

Sonya Martinez, City of Poughkeepsie, spoke in support of Dutchess County becoming a sanctuary county.

Meta Chotherie, Town of Poughkeepsie, spoke in support of Dutchess County becoming a sanctuary county.

Diane Williams, Red Hook, spoke in support of Dutchess County becoming a sanctuary county.

Serina Capri, Red Hook, spoke in support of Dutchess County becoming a sanctuary county.

Peter Schofield, LaGrange, spoke in support of all nationalities and his disturbance that a religious invocation was given at this meeting.

Constantine Kazolias, City of Poughkeepsie, spoke regarding City of Poughkeepsie buses, comments attached.

Gerard Hurley, Tivoli, spoke in support of Dutchess County becoming a sanctuary county.

No one else wishing to speak, on motion by Legislator Bolner, duly seconded by Legislator Miccio and carried, the Regular Order of Business was resumed.

There being no further business, the Chairman adjourned the meeting in memory of Anne Richer at 8:36 p.m.

Let's talk city busses!!!! City busses drop their passengers in front of stores while the Loop drops their passengers on state roads on the opposite side. The city bus drivers take care of its citizens whom the bus drivers are family and treat them with courtesy and respect!!! The city got hit with a slew of violations by the FTA under the Title VI Act and April 07, 2017 the due date, these violations have to be corrected or be penalized!!! FYI is this reason the county is purchasing SEVEN new busses, possible that the present loop busses may be hit under the TYTLEVI Act. I am submitting the FTA report regarding their city findings!!! At the public hearing held at the Family Services sponsored by the county planning department who took over the cities under the Molinari's consolidation, input for the hearing was that the county Loop was to fill in the "gaps" where the city was not covering. The meeting was for input from the public as printed in the POJO. The concept for the two bus systems was a merger not a takeover which is the present course of action by that dynamic duo, Molinaro/Rollison. FYI Rollison campaigned to keep the city busses. Also, Rollison's figure for the 2016 city ridership is 180,000/yr. as opposed to the FTA count of 380,000/yr. As Mark Twain's famous adage was that figures do not lie but liars figure. Two shortcomings of the proposed LOOP effecting the city will be the elimination north side route and the Loop school run will be only one bus starting at 06:12. Presently, the city runs two busses at 07:00 and 07:30. With the Loop schedule, this means the students will rise at 05:00. The city has three democratic county representatives in name only they are Brindle, Reiner and Jackson. ALL DURING THIS DISCUSSION REGARDING THE TAKEOVER OF THE CITY BUSES BY THE COUNTY THE THREE DEMOCRATIC COUNTY LEGISLATORS JACKSON, REISNER AND BRANDLE FAILED TO REPRESENT THEIR CONSTITUENTS!!! THEIR SILENCE IS DEFFENING, OR ALL THREE HAVE ~~ARE~~ THEIR TONGUES CUT OUT /

4/17/17

# FTA

**City of Poughkeepsie Transit**  
ADA Fixed Route Bus Accessibility, Equipment  
Maintenance, Reliability, and Use Compliance Review

February 2017  
Final Report



U.S. Department of Transportation  
Federal Transit Administration

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<b>Attachments</b>	
A    FTA Notification Letter to City of Poughkeepsie	
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## Executive Summary

### Objective and Methodology

This report reviews the City of Poughkeepsie's fixed route bus service in Poughkeepsie, New York (Poughkeepsie Transit). Its objective is to verify whether Poughkeepsie Transit is meeting its obligations under the Americans with Disabilities Act (ADA) to provide service to persons with disabilities in accessible fixed route vehicles.

This compliance review included three stages:

1. Preparation: compilation of information covering policies, procedures and outreach to riders and local disability organizations
2. Site visit: a two-person review team's observation of Poughkeepsie Transit's vehicle maintenance practices, pre-trip inspections, in-service accommodation of riders with disabilities, policies and procedures for lift and securement areas, complaint resolution process, training programs, and inspections of accessibility components
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

Poughkeepsie Transit representatives are committed to operating high quality, accessible fixed route bus service. Its fixed route service includes the following positive program elements:

#### **Positive Program Elements**

- Poughkeepsie Transit has a comprehensive preventive maintenance program.
- Bus drivers and supervisory personnel are customer-oriented.

Poughkeepsie Transit has the following administrative deficiencies that are easily correctable to bring its program into compliance with 49 CFR Parts 27, 37, and 38:

#### **Administrative Deficiencies**

- Poughkeepsie Transit has not designated at least one person to coordinate efforts to comply with the nondiscrimination requirements.
- Poughkeepsie Transit does not advertise to the public the process for filing a complaint including name or title (e.g., ADA Coordinator) of an individual, with address, telephone, and email.

Poughkeepsie Transit needs to address the following substantive deficiencies to bring its program into compliance with 49 CFR Parts 27, 37, and 38:

#### **Substantive Deficiencies**

- Poughkeepsie Transit kept a bus in service for more than five days on two occasions after learning that the bus had an inoperable ramp.
- Alternative transportation policies are not in place when lifts/ramps are inoperable and headways exceed 30 minutes.
- Poughkeepsie Transit personnel are not sufficiently trained appropriate to their duties.

Please see Section 6 for a discussion of all nine deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. The City of Poughkeepsie must address all deficiencies within 60 days of receipt of this report.

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## 1 General Information

This chapter provides basic information concerning this compliance review of the Centre Area Transportation Authority. Information on Poughkeepsie Transit, the review team, and the dates of the review are presented below.

Grant Recipient:	City of Poughkeepsie (Poughkeepsie Transit)
City/State:	Poughkeepsie, NY
Grantee Number:	2062
Executive Official:	Paul Ackerman, Corporation Counsel and Acting City Administrator
On-site Liaison:	Karen Sorrell, Deputy Commissioner of Finance
Report Prepared By:	The Collaborative, Inc.
Dates of On-site Visit:	October 5–7, 2016
Review Team Members:	David Chia Bill Schwartz

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## **2 Jurisdiction and Authorities**

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide equipment that meets the specifications contained in 49 CFR Part 38, Subpart B. These regulations (49 CFR Parts 27, 37, 38, and 39) also include complaint handling, service, training, and equipment maintenance requirements. When accessibility equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.

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### **3 Purpose and Objectives**

This chapter discusses the purpose and objectives of an FTA Accessibility Equipment Maintenance, Reliability, and Use compliance review and the review process.

#### **3.1 Purpose**

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213) including the DOT ADA Regulations, is a condition of eligibility for receiving Federal financial assistance.

#### **3.2 Objectives**

The primary objective of this review is to verify whether a public operator of a fixed route transit agency that benefits from FTA funding is meeting its obligations under the ADA regarding accessibility equipment and its use and maintenance. This review examines the City of Poughkeepsie's (Poughkeepsie Transit) bus accessibility equipment and the policies, procedures and operations of Poughkeepsie Transit's operating procedures; maintenance; training; and complaint process.

The review team observed operations and maintenance activities, and reviewed records and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data.

This report summarizes findings and advisory comments. Findings of deficiency require corrective action and/or additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure best practices under the ADA.

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## 4 Introduction to Poughkeepsie Transit

The City of Poughkeepsie, NY directly operates local bus fixed route service (Poughkeepsie Transit) and maintains its own fleet. Based on the FY 2014 National Transit Database (NTD), approximately 28,844 people live in the Poughkeepsie Transit service area, which covers approximately five square miles; this service area is a subset of the entire urbanized area, with a population of 423,566.

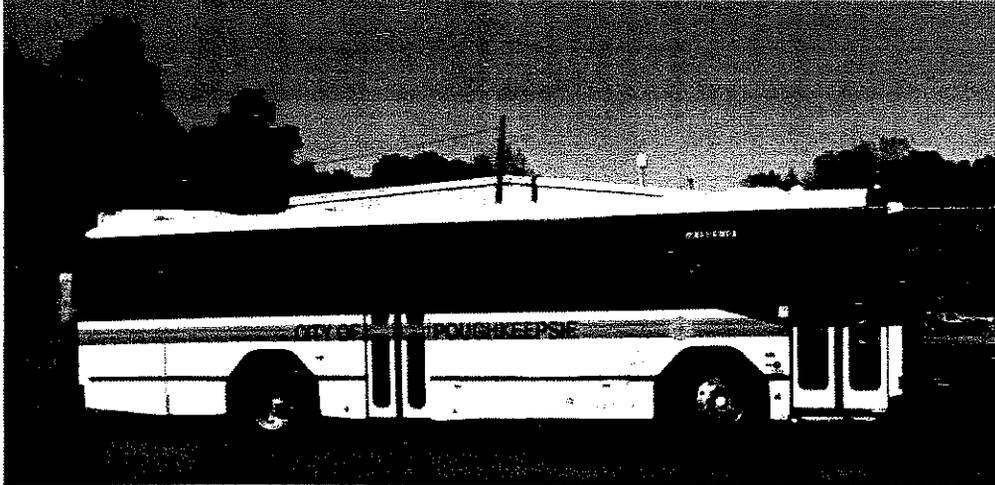


Figure 4.1 – For information on Poughkeepsie Transit, see <http://cityofpoughkeepsie.com/public-works/bus-service>

### 4.1 Introduction to Services and Organizational Structure

Poughkeepsie Transit service operates weekdays from 6:25 a.m. to 6:30 p.m. (shorter hours on Saturday) on six bus routes; headways range from 30 to 60 minutes. Based on FY 2014 NTD, average weekday bus ridership is about 1,300 (364,501 riders per year).

Poughkeepsie Transit has a fixed route fleet of eight buses: six are ramp-equipped and two have lifts. The buses range in age from model year 2011 to model year 2004. See Table 4.1.

Poughkeepsie Transit has a single bus garage and vehicle maintenance facility at 26 Howard Street, Poughkeepsie. The administrative office is at 62 Civic Center Plaza, Poughkeepsie.

**Table 4.1 – Poughkeepsie Fixed Route Bus Fleet**

<b>Year and Brand</b>	<b>Model</b>	<b>Vehicle #</b>	<b>Length/Capacity</b>	<b>Lift or Ramp</b>	<b>Wheelchair spaces</b>
2004 Gillig	Phantom	281	35' L, 36 seats, 26 standing	Lift	2
2004 Gillig	Phantom	282			
2008 Gillig Hybrid	Phantom	08-283	40' L, 38 seats, 28 standing	Ramp	2
2008 Gillig Hybrid	Phantom	08-284	35' L, 32 seats, 24 standing	Ramp	2
2008 Gillig Hybrid	Phantom	08-285			
2008 Gillig Hybrid	Phantom	08-286			
2011 Gillig Hybrid	Phantom	287	40' L, 38 seats, 28 standing	Ramp	2
2011 Gillig Hybrid	Phantom	288	35' L, 32 seats, 24 standing	Ramp	2

## 5 Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed-route system is in compliance with requirements under the ADA regarding accessibility equipment and its maintenance, reliability, and use. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures, or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team are described in greater detail below.

### 5.1 Scope

The review focused on whether Poughkeepsie Transit obtains, uses, and maintains accessibility equipment in compliance with the DOT ADA regulatory requirements. Specifically with regard to accessibility equipment, whether Poughkeepsie Transit's vehicles, training, maintenance, operations practices, and complaint handling meet the DOT regulatory standards.

Overall, the accessibility equipment maintenance, reliability, and use compliance review included the following regulatory requirements:

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23) (if applicable)
- Maintenance of accessibility features (49 CFR § 37.161)
- Reporting failures; removing vehicles from service; alternative transportation (49 CFR § 37.163)
- Lift and securement use (49 CFR § 37.165)
- Lift deployment; securement area use (49 CFR § 37.167)
- Training requirements (49 CFR § 37.173)
- Accessibility equipment specifications for fixed route buses (49 CFR Part 38, Subpart B)

Although this review does not focus directly on compliance with stop and route identification announcement requirements, the following regulatory requirements also are pertinent:

- Stop announcements (49 CFR § 37.167 (b))
- Identifying vehicles and/or passengers (49 CFR § 37.167 (c))

### 5.2 Methodology

The FTA Office of Civil Rights sent a notification letter to the City of Poughkeepsie Acting City Administrator, Mr. Ronald J. Knapp, on June 22, 2016, confirming the timeframe for the review and requesting that information be sent to the review team by July 15, 2016. See Attachment A. Subsequent to the transmission of this notification letter, FTA re-scheduled the site visit to October 5–7, 2016.

Prior to the on-site visit, the review team examined the following service information:

1. Poughkeepsie Transit's information on how it structures fixed route service
2. Public information describing Poughkeepsie Transit's fixed route service

3. Bus fleet inventory identifying year, make, garage, and whether each vehicle is accessible by lift or ramp
4. Description of Poughkeepsie Transit's lift/ramp maintenance practices and the location and individual(s) performing lift maintenance
5. Maintenance procedures for accessibility features and a blank bus pre-trip checklist
6. Poughkeepsie Transit's current manuals, notices, or other documents informing operators, supervisors, dispatchers, starters, maintenance and other transit personnel about lift operation and maintenance policies, procedures and requirements
7. Poughkeepsie Transit's training materials for operators, supervisors, dispatchers, starters, maintenance and other transit personnel regarding the use and maintenance of accessibility equipment
8. Poughkeepsie Transit's reports or other documentation regarding lift operation, maintenance and reliability monitoring activities and findings
9. List of complaints related to bus lifts/ramps and other accessibility equipment filed with Poughkeepsie Transit in the past year
10. List of procurements for new vehicles; copy of procedures for developing bus specifications

As requested by the FTA, Poughkeepsie Transit made additional information available during the visit:

1. Copies of Poughkeepsie Transit's most recent policies, procedures and maintenance requirements regarding the use, deployment and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
2. Copies of any materials distributed to transit and contractor staffs concerning the use, deployment, and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
3. Maintenance records and reports, as requested
4. Sample forms Poughkeepsie Transit uses to record the monitoring of employee compliance with requirements for the use, deployment and maintenance of lifts, ramps and other accessibility equipment, and the requirement to provide alternative transportation
5. Copies of Poughkeepsie Transit's most recent policies and procedures regarding complaint recording, documentation, handling, and retention; policies and procedures for handling ADA-related complaints

The on-site review of Poughkeepsie Transit's service took place from October 5–7, 2016. The review began with an opening conference, held at 1 p.m. on October 5 at the City of Poughkeepsie Department of Public (DPW) facility at 26 Howard Street. As part of this meeting, the review team presented a proposed schedule for the remainder of the site visit. The following people attended the meeting:

- Karen Sorrell, Deputy Commissioner for Finance, City of Poughkeepsie
- Chris Gent, DPW Commissioner, City of Poughkeepsie
- Richard Bell, Operations Manager, Poughkeepsie Transit
- George McGann, Safety Coordinator, Poughkeepsie Transit
- Susan Clark, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Brittney Berry, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Lynn Bailey, Acting Civil Rights Officer, Region 2, Federal Transit Administration (via telephone)
- David Chia, Team Leader, the Collaborative
- Bill Schwartz, Team Member, the Collaborative

Following the opening conference, the review team met with Poughkeepsie Transit staff to discuss the information sent in advance as well as the information and material that was available on site. This included vehicle maintenance procedures, existing fleet characteristics and plans for procuring new vehicles, and a review of the complaint filed with FTA.

The review team also inspected two representative vehicles from the Poughkeepsie Transit fleet—one ramp-equipped and one lift-equipped—for compliance with the DOT ADA vehicle specifications.

For the remainder of the afternoon, team members began to review vehicle maintenance and operations data covering late 2014 to October 2016.

On Thursday, October 6, the review team observed the morning pullout of buses for all six Poughkeepsie Transit routes at the DPW facility. They observed drivers as they inspected their buses and tested equipment, including ramps or lifts, wheelchair belts and securements, stop notification devices, and public address microphones.

Team members also analyzed vehicle maintenance and operations data to determine if Poughkeepsie Transit had been using buses that had inoperable lifts/ramps. They interviewed the vehicle maintenance manager and the operations manager. One team member reviewed the procedures for accepting, investigating, and responding to ADA-related complaints.

On Friday, October 7, 2016, the review team met with the safety coordinator and operations manager to discuss the driver training program, particularly using accessibility equipment and serving passengers with disabilities. Team members also tabulated the various data that had been gathered and prepared for the exit conference.

The exit conference took place at 1 p.m. at the Poughkeepsie City Hall. Attending the conference were:

- Paul Ackerman, Corporation Counsel and Acting City Administrator, City of Poughkeepsie
- Karen Sorrell, Deputy Commissioner for Finance, City of Poughkeepsie
- Chris Gent, DPW Commissioner, City of Poughkeepsie
- George McGann, Safety Coordinator, Poughkeepsie Transit
- John Day, Manager for Policy and Technical Assistance, Federal Transit Administration (via telephone)
- Brittney Berry, Equal Opportunity Specialist, Federal Transit Administration (via telephone)
- Lynn Bailey, Acting Civil Rights Officer, Region 2, Federal Transit Administration (via telephone)
- David Chia, Team Leader, the Collaborative
- Bill Schwartz, Team Member, the Collaborative

FTA provided Poughkeepsie Transit with a draft copy of the report for review and response. Poughkeepsie Transit responded to FTA with no comments.

### **5.3 Stakeholder Interviews**

The review team attempted to identify Poughkeepsie Transit bus riders with experience using accessibility features by contacting local human service agencies in Poughkeepsie and surrounding Dutchess County. While the agencies identified complementary paratransit service riders, they didn't identify any riders with disabilities who use Poughkeepsie Transit. As such, the review team did not conduct any stakeholder interviews.

### **FTA Complaint**

A Poughkeepsie Transit rider filed a complaint with FTA (15-0173) on July 8, 2015 and described two incidents related to maintenance of accessibility features. On April 30, 2015, he and his wife wanted to board a Poughkeepsie Transit bus (#283). He claimed that the driver refused to let him board, saying the ramp had been broken for quite some time. The rider then lifted his scooter onto the bus and carried it off the bus when he and his wife reached his destination. Later that day, he carried his scooter onto the same bus for another trip. He claimed the afternoon driver said that bus 283 had been on the route for months with the inoperable lift/ramp.

On May 9, 2015, the same rider and his wife encountered bus 283 with the inoperable ramp at a stop on the Galleria Route. Again, the driver initially refused to let him board, saying the ramp was not working. The rider again lifted his scooter onto the bus. After leaving the Galleria Mall later that day, he and his wife chose instead to take the Dutchess County Loop A to a grocery store. (Dutchess County operates fixed route bus service within Poughkeepsie with some overlapping routes.)

FTA requested and received information from city officials in response to the initial complaint, and summarized the investigation in a Letter of Finding. See Attachment B. This compliance review includes further analysis of the matter as discussed throughout the report.

## 6 Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27, 37 and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to Poughkeepsie Transit's fixed route transportation system is provided below, with corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements, where necessary.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices found to be not in compliance with the DOT ADA regulations or matters, for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency shall always require corrective action and/or additional reporting, and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the DOT ADA requirements being violated or potentially being violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure best practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

### 6.1 Accessibility Equipment Specifications

**Requirement:** Under 49 CFR § 37.7, transit vehicles must comply with the standards established under 49 CFR Part 38, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," in order to be accessible. Subpart B, which covers "buses, vans and systems," includes the specifications that apply to vehicles used in fixed route bus operations.

**Discussion:** During this compliance review, a deficiency was found with Poughkeepsie Transit's accessibility equipment.

An advisory comment is made regarding the visibility of priority seating signs.

The review team inspected two vehicles, each representative of Poughkeepsie Transit's two different bus models:

1. Gillig Phantom 35-foot bus equipped with front door lift (#282, model year 2004)
2. Gillig Phantom 35-foot bus equipped with front door ramp (#288, model year 2011)

The review team checked each vehicle type for conformance with the Part 38 specifications. Both vehicles complied with these requirements with the exception of the § 38.27(a) requirements for Priority Seating Signs, which state,

Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.

On the two ramp-equipped Gillig buses, the priority seating signs are located above side-facing seats rather than at least one forward-facing seat.

In addition, the signs designating priority seating and securement areas have the correct wording. The signs have black lettering on a clear background for legibility, which complies with the Part 38

specifications. However, the lettering is not easily legible at night because the signs are affixed to windows. See Figure 6.1.



Figure 6.1 Priority Seating Sign with Black Lettering on Clear Background

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must affix signs adjacent to forward-facing seats in the front of its ramp-equipped vehicles to designate priority seating.

**Advisory Comment:** When using see-through priority seating signs, an effective practice is to affix such signs against light-colored bus walls (i.e., between the window and the top of the seat) to contrast the lettering with the background.

## 6.2 Use of Accessibility Equipment

**Requirement:** Under 49 CFR § 37.165, transit providers must transport the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to transport a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.<sup>1</sup> Transit providers may determine whether or not to establish a policy requiring that wheelchairs be secured during transport.

Vehicle operators (drivers) must assist passengers in the use of the lift, ramp, and securement systems.

Under 49 CFR § 37.167, transit providers must ensure that individuals with disabilities have adequate time to complete boarding (which includes reaching a seat or securement location) or exiting the vehicle.

Transit providers must permit mobility device users to board facing forward or backward. Under Section 38.23, lifts must accommodate both inboard and outboard facing of wheelchair and mobility aid users.

Transit providers are required to permit a passenger who uses a lift or ramp to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, would be damaged if it were deployed, or temporary conditions at the stop not under the control of the transit provider precludes the safe use of the

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<sup>1</sup> "Legitimate safety requirements" is an objective factor (not subjective) and applies solely in the context of accommodating mobility devices that exceed the minimum requirements for vehicles and equipment. Appendix D to §37.165 provides the example of a wheelchair of a size that would block an aisle and interfere with the safe evacuation of passengers in an emergency. Speculation that a particular wheelchair may be difficult to accommodate is not a basis for making such a determination; if a lift appears to be straining under a weight that is within its design load, vehicle age or maintenance practices may be a factor.

stop by all passengers. The transit provider must deploy lifts or ramps for persons who do not use wheelchairs, including standees.

Vehicle operators are required to ask individuals sitting [in] a fold-down or other movable seat in a wheelchair securement location” to move for those riders with disabilities who need to use the securement area. Transit providers may adopt mandatory “move” policies.

**Discussion:** During this compliance review, no deficiencies were found with these requirements. The review team reviewed the bus driver manual and interviewed Poughkeepsie Transit’s Operations Manager, who is also a bus driver, dispatcher, and trainer.

Poughkeepsie Transit transports riders within the combined weight capacity of its ramps and lifts and secures wheelchairs during transport.

Drivers assist passengers using lift, ramp, and securement systems and provide adequate time to complete boarding or exiting the vehicle

Poughkeepsie Transit permits users of mobility devices to board in either direction.

Drivers permit use of lifts and ramps at all designated stops and deploy ramps for riders who request them. In some instances, such as when riders use walkers, drivers preemptively deploy ramps, because boarding time isn’t any longer than when using bus kneelers.

Drivers are trained to ask riders to vacate the securement locations when needed. While Poughkeepsie Transit does not have a mandatory move policy, it trains its drivers to strongly encourage riders to vacate securement locations.

## 6.3 Maintenance of Accessible Features

**Requirement:** Under 49 CFR § 37.161, transit agencies must maintain lifts, ramps, securement systems, public address systems, and other accessibility-related equipment such as elevators, stop announcement/route identification systems, etc., in operating condition. If damaged or out of order, this equipment must be repaired promptly. When equipment is out of order, a transit agency must also take reasonable steps to accommodate riders who would otherwise use the equipment. In addition, 49 CFR § 37.163 requires transit agencies to have in place a system of regular and frequent maintenance checks of vehicle lifts sufficient to determine whether they are operative.

**Discussion:** During this compliance review, no deficiencies were found with the requirement to maintain and promptly repair accessibility-related equipment overall. Deficiencies related to promptly repairing lifts and ramps are discussed in Section 6.4. Advisory comments are made on availability of backup vehicles and on promptly repairing bus kneelers.

Poughkeepsie Transit drivers frequently check their vehicle lifts to determine whether they are usable. Drivers conduct pre- and post-trip vehicle checks for every vehicle run. If more than one driver uses a bus in a day, each driver conducts a pre- and post-trip vehicle check. They note any problems on a pre/post-trip form and they submit a copy of the completed form to the maintenance department, whose mechanics try to make repairs the same day if possible. The DPW has one mechanic dedicated to the eight buses. When needed, other city mechanics can also work on the buses.

Poughkeepsie Transit follows a regular schedule of preventative bus maintenance. Each month, all buses undergo an “A” level preventative maintenance. This includes inspecting the ramp or lift, along with other accessibility equipment. All buses undergo a “B” level preventative maintenance every six months, which includes a more thorough check and cleaning of the ramp or lift.

DPW uses a computerized vehicle maintenance system to track all maintenance issues and activities for the city's entire vehicle fleet. In addition, DPW maintains a paper file for each bus, which includes the drivers' completed pre- and post-trip forms and records of all work the mechanics perform.

The review team examined maintenance records and noted that the kneeler for a bus (#281) was recorded as not working for 10 days (February 10–20, 2015). The bus remained in service while the kneeler was not working.

**Advisory Comments:** Poughkeepsie Transit's two backup buses are lift-equipped and more than 12 years old (model year 2004). According to DPW staff, these older buses have not been as reliable as newer buses but remain in regular use. An effective practice for the City of Poughkeepsie would be to obtain newer buses to eliminate its reliance on these buses.

An effective practice is for Poughkeepsie Transit to repair kneelers more promptly. While the DOT regulations do not include kneelers as accessibility equipment, they are important for certain persons with disabilities who need assistance to board and alight the vehicle.

## 6.4 Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation

**Requirement:** Under 49 CFR § 37.163, transit agencies must ensure that vehicle operators immediately report to operations headquarters any failure of a lift or ramp to operate in service. When the transit agency learns that a lift/ramp has malfunctioned or is inoperable, the transit agency must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift/ramp is repaired before the vehicle returns to service. If the transit agency has no spare vehicle available to take the place of a vehicle with an inoperable lift/ramp, such that taking the vehicle out of service will reduce the service the transit agency is able to provide, the agency may keep the vehicle in service with an inoperable lift/ramp for no more than five days (if serving an area of 50,000 or less population) or three days (if serving an area of over 50,000 population) from the day on which the device is discovered to be inoperative.

In any case in which a vehicle with an inoperative lift/ramp operates on a fixed route, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the transit agency must promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift/ramp does not work. Appendix D to 49 CFR § 37.163 provides examples of how this service can be provided, such as by having an accessible vehicle "shadow" the bus with the inoperative lift/ramp or by dispatching an accessible vehicle with a short (i.e., less than 30-minute) response time.

**Discussion:** During this compliance review, deficiencies were found with Poughkeepsie Transit keeping buses in service for more than five days with inoperable ramps, and with its alternative transportation procedures.

As discussed in the FTA complaint narrative in Section 5.3, a rider tried to use Bus 283 on April 30 and May 9, 2015. He said that both times the driver initially refused to let him board with his scooter because the ramp was broken. Both times, he lifted his scooter onto the bus.

A response letter from the City of Poughkeepsie to FTA (August 15, 2015) acknowledges that Bus 283's wheelchair lift (this bus is actually ramp-equipped) was not working on April 30 and May 9, 2015. The letter also states, "another bus with an operational wheelchair lift was following on the same route."

The review team examined maintenance files from late 2014 to October 2016 for all eight Poughkeepsie Transit buses. These files include records of regular maintenance, repairs, and in-service road calls. Records describe the nature of any lift or ramp failures, along with dates that mechanics (or other staff)

identified and repaired the problem. The review team compared these dates with operations data to determine if a bus was in service during any specific day.

Based on this analysis and consistent with the complaint allegations, the review team confirmed two instances of Poughkeepsie Transit keeping a bus in service for more than five days after learning that the bus had an inoperable ramp.

1. **Bus #286:** The maintenance records indicate an inoperable ramp on September 16, 2014 with the note, "Bus can be used. But cannot use wheelchair ramp." The records indicate Poughkeepsie Transit replaced the ramp on April 27, 2015. The operational records indicate this bus was in service for 37 days (September 17–October 23, 2014).
2. **Bus # 283:** The maintenance records indicate an inoperable ramp on March 16, 2015 with the note, "Broken chain. Order parts." The records indicate Poughkeepsie Transit repaired the ramp on May 20, 2015. Operational records indicate the bus was in service for 63 days (March 17–May 18, 2015). This bus was the subject of the FTA complaint discussed in Section 5.3.

According to the FTA complaint, Poughkeepsie Transit stated its Main Street and Shopper's Special routes overlap/duplicate service. In addition, Poughkeepsie Transit stated its Southside and Galleria Routes overlap and duplicate service with headways of 30 minutes between buses on the route pairs. While service overlaps on these routes, the overlap only covers certain geographic areas and not the entire route, meaning that riders who wish to travel to/from the non-overlapping portions of these routes cannot use the bus where routes diverge.

The FTA complaint also raised additional questions about Poughkeepsie Transit's policies and procedures related to inoperable lifts or ramps. FTA's investigation inquired how Poughkeepsie Transit communicates with waiting passengers who need accessible vehicles with working lifts or ramps when in-service lifts or ramps are inoperable or how it promptly provides alternative accessible transportation.

Poughkeepsie Transit does not have any procedures to inform riders of lift/ramp issues or to provide alternative transportation by dispatching a bus from the DPW garage or using another accessible vehicle. Strategies for addressing this requirement are discussed Appendix D to § 37.163(f) and in FTA's ADA Circular 4710.1, Section 6.2, "Lift/Ramp Issues Specific to Fixed Route."

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must take buses with inoperable lifts or ramps out of service before the beginning of the vehicle's next service day and repair the lifts/ramps before the buses return to service. Poughkeepsie Transit may keep buses in service with inoperable lifts/ramps for no more than five days if no backup buses are available.

Poughkeepsie Transit must also implement procedures for providing alternative transportation on routes with headways greater than 30 minutes. For example, Poughkeepsie Transit may create a procedure to dispatch a backup bus to carry a rider who needs accessible service or, via its contracted service provider (Dutchess County), dispatch a lift-equipped vehicle from the paratransit fleet.

## 6.5 Training

**Requirement:** Under 49 CFR § 37.173, each public or private entity which operates a fixed route or demand responsive system must ensure that employees are trained to proficiency in the safe and proper operation of vehicles and equipment and in the proper assistance and treatment of riders with disabilities. Training must be specific to the tasks performed by the individual and should include both proficiency and sensitivity. Training for operators, dispatchers, maintenance staff and operations managers, as well as other personnel, must cover the ADA regulatory requirements and transit agency policies and procedures for ensuring compliance. Operators must be thoroughly trained in the proper operation of all accessibility equipment and in the appropriate treatment of riders with disabilities.

**Discussion:** During this compliance review, deficiencies were found with the level and extent of Poughkeepsie Transit's employee training.

### **Drivers**

Poughkeepsie Transit's new driver training curriculum involves 2 days of classroom training and requires drivers to watch 3 ADA videos:

- Driver's Guide to ADA Compliance, Lancer Insurance Company
- Accessible Community Transportation in our Nation, Easter Seals Project Action
- Customer Care and Passenger Safety

According to Poughkeepsie Transit, almost all new drivers have experience driving buses. The instructor focuses vehicle training on the use of accessibility equipment. Examinations include written and road tests and an in-revenue service ride along, typically on a Saturday. The instructor deploys in the field as needed.

Poughkeepsie Transit issues each driver a copy of its "Operations Handbook, A Manual of Procedure for City of Poughkeepsie Transit System." This handbook covers procedures for proper and safe operation of the bus but contains no references to using accessibility features or to any ADA requirements. Although Poughkeepsie Transit uses a pre-trip inspection form that includes inspecting lifts and ramps, the handbook does not reference checking the lift/ramp or other accessibility features. This handbook is the only written guidance provided to drivers; all other guidance is provided via ongoing verbal communications.

Although the use of ADA videos as part of initial training is likely sufficient to introduce new drivers to working with passengers with disabilities, the current driver handbook is insufficient. Using an ad hoc and informal approach to addressing the needs of passengers with disabilities is also inappropriate.

The review team observed drivers performing pre-trip inspections and asked drivers questions during these observations such as, "What do you do when a ramp won't deploy automatically?" While each vehicle is supposed to be equipped with a "J"-shaped metal hook to manually lift and deploy the ramp, drivers answered the question inconsistently. One driver was unaware of the hook while another knew of the hook but could not locate it. Another driver did not know how to adjust the toggle switch that adjusts whether the stop announcement indicator remains illuminated or in repeat mode.

### **Maintenance Personnel**

As discussed in Section 6.3, Poughkeepsie Transit has a regular program to maintain its buses and has mechanics and resources to make prompt repairs in most instances. During the site visit, maintenance personnel were unfamiliar with the regulatory limitations covering operating vehicles with inoperable lifts or ramps and the alternative transportation requirements when headways are longer than 30 minutes.

**Corrective Action Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must revise its written operations materials to cover the ADA regulatory requirements and policies for ensuring compliance, including procedures to follow when lifts or ramps are inoperable. They must also properly train maintenance and other operations personnel appropriate to their duties.

## **6.6 Complaint Resolution and Compliance Information**

**Requirement:** Under 49 CFR § 37.5, transit agencies must not discriminate against an individual with a disability in connection with the provision of transportation service, or deny any individual with a disability the opportunity to use the transportation services it provides to the general public. The agency must provide service to persons with disabilities in the most integrated setting possible. Discriminatory practices include and are not limited to requiring the use of alternate transportation services rather than

fixed route service; requiring persons with disabilities to be accompanied by an attendant; imposing special charges upon people with disabilities; and requiring people with disabilities to use designated priority seating.

Under 49 CFR §§ 27.13(a) and 37.17(a), the transit agencies must designate at least one person to coordinate its efforts to comply with the nondiscrimination requirements contained in DOT ADA regulations.

Under 49 CFR §§ 27.13(b) and 37.17(b), the transit agency must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. This includes sufficiently advertising to the public the process for filing a complaint. Public advertising will typically include the agency's website. The complaint procedures must be accessible to and usable by individuals with disabilities. Finally, a transit agency must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

Under 49 CFR § 27.121(b), the agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

**Discussion:** During this compliance review, no deficiencies were found with the prohibition against discrimination. The review team examined Poughkeepsie Transit's rider policies published in its schedule. None of its policies or practices are discriminatory.

The review team found deficiencies with several aspects of Poughkeepsie Transit's complaint program and recordkeeping.

Poughkeepsie Transit has not designated at least one person to coordinate ADA compliance.

Its Safety Coordinator, who has been in the position since mid-2015, is responsible for complaint investigation and has maintained detailed complaint records since then. Neither he nor others at Poughkeepsie Transit could provide any records of complaints before mid-2015.

At the time of the site visit, transit service information was provided on the DPW website (<http://cityofpoughkeepsie.com/public-works/bus-service/>). The web page includes information on Title VI complaints but includes no information on filing ADA complaints. The page provides contact information (phone, address, email) for the dispatcher and the City of Poughkeepsie provides a general "Contact Us" web form. No information is provided on obtaining information or filing complaints in accessible formats on request.

The Safety Coordinator follows appropriate procedures when investigating complaints, including documenting pertinent information, reviewing video and audio recordings as required, and addressing any employee issues through a stepped disciplinary process, which often includes retraining. He strives to resolve complaints within one week. This process appears to treat all complaints equitably.

The Safety Coordinator tracks complaints in an Excel spreadsheet. While he stated he follows up with all complainants directly via email, telephone, or in writing, he did not enter the dates of follow-up contact.

**Corrective Actions Schedule:** Within 60 days of the issuance of the final report, Poughkeepsie Transit must implement the following complaint-related corrective actions:

- Designate at least one person to coordinate efforts to comply with the nondiscrimination requirements
- Advertise to the public the process for filing an ADA complaint
- Offer information in accessible formats on request and publicize its availability

- Develop a plan to maintain detailed records of complaints, including dates of resolution and communication to the complainant for at least one year, and a summary of records for at least five years

## 6.7 Service Under Contract with a Private Entity

**Requirement:** Under 49 CFR § 37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide service meets all the obligations of the DOT ADA regulations, including those for service provision, maintenance, and vehicle or equipment acquisition, that the transit agency would be required to meet, if it provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of its contractor(s) and ensure that these requirements are met. The transit agency must not neglect monitoring or limit its monitoring to the terms and conditions of its contract or other arrangement with the private entity or entities.

**Discussion:** During this compliance review, no deficiencies were found with this requirement, as it is not applicable. Poughkeepsie Transit directly operates its transit services and has not services under contract.

## 6.8 Service Provided by Another Public Entity

**Requirement:** Part 37 of title 49, Code of Federal Regulations, applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR § 37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37.

The transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

**Discussion:** During this compliance review, no deficiencies were found with this requirement, as it is not applicable. Poughkeepsie Transit directly operates its transit services and has not arrangements for service with another public entity.

### Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
1	Accessibility Equipment Specifications	38 Subpart B	1 deficiency 1 advisory comment	Ramp-equipped bus has its priority seating signs over side-facing seats rather than forward-facing seats	60/April 2017
2	Use of Accessibility Equipment	37.165, 37.167	No deficiencies		
3	Maintenance of Accessible Features	37.161, 37.163	No deficiencies 2 advisory comments		
4	Reporting Failures, Removing Vehicles from Service, Providing Alternative Transportation	37.163	2 deficiencies	Buses were kept in service for more than five days on two occasions after learning that the bus had an inoperable ramp Alternative transportation policies are not in place when lifts/ramps are inoperable and headways exceed 30 minutes	60/April 2017 60/April 2017
5	Training	37.173	2 deficiencies	Drivers and maintenance personnel are not sufficiently trained appropriate to their duties Operations Handbook does not include sufficient information on ADA requirements or procedures for accommodating riders with disabilities	60/ April 2017 60/April 2017
6	Complaint Resolution and Compliance Information	27.13(b), 27.121(b), 37.5	4 deficiencies	No personnel designated to coordinate efforts to comply with nondiscrimination requirements Complaint filing process not sufficiently advertised Complaint process not accessible Incomplete complaint recordkeeping	60/April 2017 60/ April 2017 60/April 2017 60/April 2017

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
7	Service Under Contract with a Private Entity (if applicable)	37.23	Not applicable		
8	Service Provided by Another Public Entity (if applicable)	37.21(b)	Not applicable		

**Attachment A**  
**FTA Notification Letter to City of Poughkeepsie**



U.S. Department  
Of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5th Floor, TCR  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

June 22, 2016

Ronald J. Knapp  
Acting City Administrator  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Dear Mr. Knapp:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients.

The purpose of this review will be to determine whether the City of Poughkeepsie is meeting its obligations applicable to the maintenance, reliability, and usage of accessibility equipment of its Transit System in accordance with the requirements contained in Subpart G of 49 CFR Part 37, and other related requirements contained in 49 CFR Parts 27, 37, and 38.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of fixed route bus lift/ramp and maintenance reliability, and an exit conference. The reviewers will complete the on-site portion of the review within a three-day period. FTA has engaged the services of the Collaborative, Inc. (the Collaborative) of Boston, Massachusetts, to conduct this compliance review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled at **9 a.m. on Tuesday, August 23**, to introduce the Collaborative team and FTA representatives to the City of Poughkeepsie. Attendees should include you or your designee, the fleet service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend several days on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as City's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive by July 15, 2016. Please forward these materials to the following contact person:

David Chia  
The Collaborative, Inc.  
122 South Street  
Boston, MA 02111  
617-338-0018 x17  
*dc@thecollaborative.com*

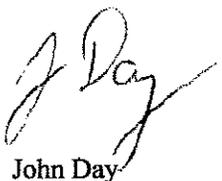
FTA requests your attendance at an exit conference scheduled for **1 p.m. on Thursday, August 25, 2015**. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the fleet service manager, the ADA coordinator, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to the City of Poughkeepsie, will be considered a public document subject to release under the Freedom of Information Act, upon request.

Representatives from the City are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at *anita.heard@dot.gov*.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day  
Program Manager for Policy and Technical Assistance

cc: William Brady, City of Poughkeepsie, Commissioner of Finance  
Henrika Buchanan-Smith, Acting Regional Administrator, FTA Region II  
Lynn Bailey, Acting Regional Civil Rights Officer, FTA Region II

City of Poughkeepsie  
Fixed Route Lift/Ramp Maintenance Compliance Review

**Enclosure 1**

**You must submit the following information to the Collaborative's contact person by July 15, 2016.**

1. Three copies of the most recent City of Poughkeepsie Transit System route map.
2. A complete set of current detailed City of Poughkeepsie Transit System route schedules.
3. Identify which routes you directly operate and which routes a private contractor operates.
4. Identify the location of each of your garages and which routes/areas each garage serves.
5. A bus fleet inventory identifying for each bus: the model year, make, bus garage, and accessibility equipment, including whether the each bus is low-floor.
6. A description of your maintenance practices for accessibility features (lifts, ramps, wheelchair securements and seatbelts, speakers, electronic signage, priority seating signs, stop announcement equipment, etc.
7. Current fixed route Operator Manual/s, notices, bulletins, memoranda, or other documentation informing vehicle operators of lift/ramp operation and maintenance policies for lifts/ramps and other accessibility features.
8. City of Poughkeepsie Transit System's reports, memoranda, or other documentation that involve operation and maintenance monitoring activities and findings related to accessibility features.
9. A list of complaints related to lift/ramp operations and other fixed route accessibility issues since the beginning of 2015. The list should include customer's name, trip origin, date and substance of complaint, carrier, and resolution (any corrective actions requested and taken).

**Attachment B**  
**FTA Complaint Files**



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

April 18, 2016

Paul Ackerman, Esq.  
Corporation Council  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Re: FTA Complaint No. 15-0173

Dear Mr. Ackerman:

This letter notifies you that the Federal Transit Administration (FTA) Office of Civil Rights has completed its investigation of the above-referenced Americans with Disabilities Act (ADA) complaint filed against the City of Poughkeepsie's (City) fixed route service and outlines the results of our investigation and the additional action called for from the City. The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation are in compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, we work with the transit provider to correct the deficiencies within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of Federal funds. FTA also may refer the matter to the U.S. Department of Justice for enforcement.

Each response is developed based on the specific facts and circumstances at issue. A determination resulting from a review of these facts is not intended to express an opinion as to the overall ADA compliance of that transit provider.

### **Allegations**

The complainant uses a power scooter for mobility. He alleged that the City kept Bus #283 in service with an inoperable lift/ramp and moved it to a different route rather than repairing it. He and his wife attempted to board Southside Bus #283 at 8:38 a.m. on April 30, 2015 at Hooker and Grand. At first, the driver refused them boarding, claiming the lift/ramp had been broken for "some time." The complainant lifted his scooter on and off the bus upon arrival at their destination and again at noon for another trip. The second driver told him that #283 had been on the route "for months" with the inoperable lift/ramp.

On May 9, 2015 at 10:45 a.m., the couple encountered #283 with an inoperable lift/ramp on the Galleria Route. Again, the driver initially refused boarding, stating the lift/ramp was not working. The complainant lifted his scooter on the bus. After leaving the mall, the couple took the Dutchess County LOOP to the grocery store on Route 9 and saw #283 in service on the route.

### **Analysis**

In response to the complaint, FTA sent an information request to the City and received a written response and supporting documentation. As supporting documentation, the City submitted a copy of its "Bus Inspection Sheet" and its July 2015 "Transit System Safety Program Plan" (Safety Plan) and excerpts from it.

The results of FTA's complaint investigation are detailed below. We have identified concerns regarding the City's keeping bus lifts/ramps in operative condition and its tracking and recordkeeping of lift/ramp repairs. We also note additional potential compliance issues involving the following: the City's maintenance checks of lifts/ramps, provision of alternative accessible transportation, personnel training, and disability-related complaint procedures.

### ***Keeping Vehicle Lifts/Ramps in Operative Condition***

The City stated that it operates six fixed routes from September through June and five in July and August. The fixed route fleet is made up of a total of eight accessible buses; six are equipped with a ramp and two have lifts. The City reported that it also contracts with Dutchess County to provide "Dial-A-Ride services and Paratransit." At one point, the City stated that it assumes one of the eight accessible buses is out of service for repair or maintenance, leaving one spare. Elsewhere in its narrative, the City stated two spares.

Under §37.163(d) of the DOT ADA regulations, when a lift/ramp is discovered to be inoperative, the City must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. If the lift or ramp cannot be repaired before the next day of service, §37.163 allows the City to place the vehicle back in operation only if a spare is unavailable. Vehicles with inoperable lifts/ramps can be kept in service for no more than five days (if the entity serves a population of less than 50,000). The U.S. Census Bureau's 2014 estimate for Poughkeepsie was 30,513 people. This means that vehicles with inoperable lifts/ramps may be kept in service for no more than five days and only if an accessible spare is unavailable.

Appendix D to the regulations elaborates:

After these times have elapsed, the vehicle must go into the shop, not to return until the lift is repaired. Even during the three- or five-day period, if an accessible spare bus becomes available at any time, it must be used in place of the bus with the inoperative lift or an inaccessible spare that is being used in its place.

Regarding the complainant's specific allegations concerning Bus #283, the City acknowledged it had a "broken ramp" due to a bus accident. Elsewhere in its response, the City stated, "While bus 283's wheelchair lift was not operational on April 30, 2015 another bus with an operational lift was following on the same route." At another point, the City reported that the bus was "pulled for service on May 15, 2015 and work began on May 16, 2015 with work completing May 22, 2015." The City further acknowledged, "While it was in for service, it was 'only' used as a spare bus, and riders were offered alternative means of transportation." The City stated that the bus was put back in service on May 26, 2015.

In response to our request for information on the number of buses needed for peak pull-out and those put into service with lifts/ramps previously reported to be or otherwise known to be inoperable, the City reported the following:

Month	In-service buses/# required for peak pull-out	Buses with inoperable ramps in service as spares (and dates)
January 2015	6 fixed route buses	No response
February 2015	6 fixed route buses	No response
March 2015	6 fixed route buses	1 bus (inoperable ramp) in service as spare (3/17)
April 2015	6 fixed route buses	1 bus (inoperable ramp) in service as spare (no date(s) provided)
May 2015	6 fixed route buses	1 bus (inoperable ramp in service as spare (fixed 5/20)
June 2015	6 fixed route buses	No response

The above information conflicts with information elsewhere in the City's response and raises a question on whether the lift/ramp was fixed on May 20 or May 22.

The City provided the incomplete data below in response to our request for information on the number of buses with lift/ramp failures while in service and the length of time those buses stayed in service before being repaired:

Month	Buses with inoperable ramps in service as spares (and dates)
March 2015	1 bus (inoperable ramp) in service as spare 3/17/15
April 2015	1 bus (inoperable ramp) in service as spare (no date)
May 2015	1 bus (inoperable ramp) in service as spare fixed (5/20)
June 2015	0 failed spare bus

The City's response suggests that Bus #283 was kept in service for longer than five days. The response suggests that the City may have kept Bus #283 in service for as many as 12 days.

The City reported that no buses failed while in service between January and June 2015. The City's response included unclear references to "0 failed spare bus" occurred in service in June 2015, "1 failed spare bus" was in service in March, April, and May 2015. The City's inability to provide all the data requested, along with the discrepancies in its response, exacerbated our concerns with its tracking and recordkeeping of lift/ramp repairs and prevented us from ascertaining precisely how many days vehicles with an inoperable lift/ramp were in service during March, April, and May 2015.

***System of Regular and Frequent Maintenance Checks of Lifts and Ramps***

Section 37.163(b) of the DOT ADA regulations requires public transportation providers, such as the City, to institute a system of regular and frequent maintenance checks of lifts and ramps. Drivers are required to report lift/ramp failures as soon as possible. It is not sufficient to wait until the end of the day to report the problem.

Appendix D to the regulations explains:

In the case of an in-service failure, this means that the vehicle can continue its runs on that day, but cannot start a new service day before the lift is repaired. If a maintenance check in the evening after completion of a day's run or in the morning before a day's runs discloses the problem, then the bus would not go into service until the repair had taken place.

Appendix D at §37.163 clarifies that this system of maintenance checks differs from an aggressive preventative maintenance program, which is also essential. The Appendix also details the importance of discovering inoperable lifts/ramps as early as possible, so they can be repaired promptly. Please review this information. While the Safety Plan references in-house maintenance to be conducted, we found no information substantiating that the City has implemented a system of regular and frequent checks of lifts/ramps.

***Provision of Alternative Accessible Transportation***

Under §37.163(f) of the DOT ADA regulations, if a vehicle operates on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, a transit agency must provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work. Appendix D explains that this alternative accessible transportation must be provided "promptly."

The City reported the following headways for its six routes:

<b>Route</b>	<b>Headway</b>
Main Street	60 minutes
Galleria	60 minutes
Northside	45 minutes and 60 minutes
Southside	30 minutes and 60 minutes
Shopper's Special	60 minutes
Special	40 minutes

The City reported that the Main Street and Shopper's Special routes overlap/duplicate service and that the Southside and Galleria Routes overlap and duplicate service with headways of 30 minutes between buses on the route pairs, and "[the complainant] was offered Dial-A-Ride or Paratransit services, which he declined."

The City did not explain the following: its method(s) for determining/ensuring that the lift or ramp on the next bus is operational; how this information is communicated to waiting passengers who need accessible vehicles with working lifts or ramps; or its method for ensuring that alternative accessible transportation is provided promptly nor the average time that a rider had to wait for an alternative form of transportation. The City's response does not substantiate that it has policies and procedures in place to meet the requirements of §37.163(f) to promptly provide alternative accessible transportation when required. Please review the Appendix D guidance. You will also find technical assistance in FTA's ADA Circular 4710.1, Section 6.2, "Lift/Ramp Issues Specific to Fixed Route."

### ***Personnel Training***

Under §37.173 of the DOT ADA regulations, transit agencies must ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. While the Safety Plan references driver training to be provided, we alert the City that these references do not encompass all of its obligations under 49 CFR Part 37 and advise the City to take any needed steps to ensure and document that personnel are trained to proficiency on the current body of ADA requirements.

### ***Disability-Related Complaint Process***

The DOT ADA regulations at §37.17 require transit providers to have procedures in place for promptly and equitably resolving disability-related complaints. Additionally, §27.121(b) requires FTA grantees to maintain complaint records and compliance reports, stating, "Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years."

DOT amended the local complaint provisions (effective July 13, 2015) to require all transit providers, including the City, to sufficiently advertise the process for filing a complaint and to respond to complaints alleging disability discrimination. We could not, however, find information on the City's web page specific to the disability-related complaint process. We found only an online "Contact" form.<sup>1</sup>

Furthermore, the City's description of its process as of August 14, 2015 suggests that the required elements of the disability complaint process meeting the requirements of 49 CFR Parts 27 and 37 may not be in place. In response to our information request, the City provided a general description of its complaint policy, which does not reference the ADA or disability. This general description does not point to implementation of a disability complaint process consistent with §37.17.

Transit agencies have flexibility in establishing the best format for receiving ADA complaints. Agencies may decide to have a separate ADA complaint process or combine ADA and Title VI (covering discrimination based on race, color, or national origin) into one process, if disability is clearly delineated from the Title VI protected bases. Some agencies also decide to collect ADA complaints through comment forms that capture suggestions, compliments, and complaints related to any service issues. A general form can be used to accept ADA complaints; however, an agency using such a form will need to ensure procedures are in place for distinguishing ADA complaints from other service issues. Whatever approach is implemented, the agency must ensure the ADA complaint process is sufficiently advertised to the public so customers know how to file a disability-related complaint specifically. For technical assistance on complaint process requirements, see FTA's ADA Circular 4710.1, Section 12-7, "Transit Agency Complaint Process."

### **Conclusion**

Based on the concerns identified through our complaint investigation, we have decided to follow up at an upcoming onsite oversight review to determine the actions the City has taken and documented regarding the compliance issues delineated in this letter. During this review, we will ascertain the City's current performance of its ADA obligations. FTA will notify the City under separate cover of

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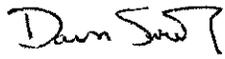
<sup>1</sup> City of Poughkeepsie website at <http://cityofpoughkeepsie.com/contact-the-city-of-poughkeepsie> (last accessed Apr. 8, 2016).

the dates of the oversight review, which will focus on the City's fixed route bus lift/ramp operations and maintenance programs, related personnel training, and its disability-related complaint process. The onsite review is tentatively planned for later this year.

We alert the City to scrutinize its obligations under §37.163(b)-(f), including those to keep all lifts/ramps in operative condition, along with the training and complaint process requirements, and to immediately take any and all needed steps to ensure that its service complies with the DOT ADA regulations.

If you have any questions, investigator Susan Clark may be reached at (202) 366-4018 or via e-mail at [susan.a.clark@dot.gov](mailto:susan.a.clark@dot.gov). Please include the FTA complaint number in any correspondence regarding this matter. We thank the City for its continued cooperation.

Sincerely,



Dawn Sweet  
Program Manager,  
Complaints and Communications  
Office of Civil Rights

cc: Complainant  
FTA Region 2  
U.S. Department of Justice



U.S. Department  
Of Transportation  
**Federal Transit  
Administration**

Headquarters

5<sup>th</sup> Floor – East Bldg. TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

July 8, 2015

Kristin Guthrie  
City of Poughkeepsie  
City Hall  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Re: FTA Complaint No. 15-0173

Dear Ms. Guthrie:

This letter transmits a copy of a complaint received by the Federal Transit Administration (FTA) Office of Civil Rights alleging discrimination on the basis of disability by the City of Poughkeepsie's fixed route service. The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation are in compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct them within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of Federal funds. FTA also may refer the matter to the U.S. Department of Justice for enforcement.

The FTA Office of Civil Rights is authorized under the DOT regulation, 49 CFR Part 27, Subpart C, pertinent sections 27.121–123, to investigate discrimination complaints against providers of public transportation.

The complainant who uses a power scooter, Thomas Price, makes the following general allegations concerning two incidents on April 30, a third incident on May 9, 2015, and interactions with City of Poughkeepsie transit personnel.

- He and his wife attempted to board the Southside Bus #283 at 8:38 a.m. on April 30, 2015, at the corner of Hooker and Grand Avenues. At first, the driver refused to let him board, claiming the lift/ramp had been broken for quite some time. The complainant lifted his scooter onboard and off the bus upon its arrival at the Social Security Office. At noon that day, he lifted his scooter on the same bus for another trip. The afternoon driver said that Bus #283 had been on the route for months with the inoperable lift/ramp.

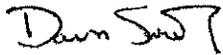
- On May 9, 2015 at 10:45 a.m., he and his wife encountered Bus #283 with an inoperable lift/ramp at a stop on the Galleria Route. As before, the driver initially refused to let him board and stated that the lift/ramp was not working. The complainant again lifted his scooter on the bus. After leaving the Galleria Mall later that day, the complainant and his wife elected to take the Dutchess County Loop A to the grocery store on Route 9. While at the grocery store, they saw Bus #283 in service on Route 9.

Please see the enclosed complaint for details.

By forwarding this complaint to you, we have initiated our investigative process. Please review the complaint and provide your response to investigator Susan Clark via e-mail at [susan.a.clark@dot.gov](mailto:susan.a.clark@dot.gov) within 30 calendar days of the date of this letter. With your response, please provide the items from page 3 of this letter, and indicate if there are certain requests for which no information is available.

If you have any questions regarding this inquiry, I may be reached directly at (202) 366-0529 or via e-mail at [dawn.sweet@dot.gov](mailto:dawn.sweet@dot.gov). Please include the FTA complaint number in any correspondence regarding this complaint. Thank you for your assistance.

Sincerely,



Dawn Sweet  
Program Manager,  
Complaints and Communications  
Office of Civil Rights

Enclosure

cc: FTA Region 2

Please provide the following items/documentation:

1. A detailed written response with supporting documentation to the complainant's specific allegations concerning the incidents and his interactions with City of Poughkeepsie or contracted personnel.
2. Copies of all relevant correspondence between the complainant and the City of Poughkeepsie or its contractors, including complaints and any actions taken in response to the complaints.
3. Details on the vehicles used in the City of Poughkeepsie's fixed route service. Include such specifics as the number of vehicles and their make/model; the spare ratio; and indicate whether or not each vehicle is accessible to people with disabilities, including those who use scooters.
4. Written descriptions of the City of Poughkeepsie's policies on (1) lift/ramp use by customers with disabilities, including those who use scooters; (2) training drivers on lift/ramp deployment, including manual operation; (3) checking lifts/ramps for operability; (4) maintaining lift/ramp operability; (5) drivers reporting in-service lift/ramp failures; (6) repairing lifts/ramps; and (7) keeping vehicles with inoperative lifts/ramps in service.
5. The total number of fixed route buses put into service, total number of buses required for peak pull-out, and the number of buses put into service with lifts/ramps previously reported to be or otherwise known to be inoperable, by month for the past 6 months.
6. The number of buses with lift/ramp failures while in service; the total number of lift/ramp failures (i.e., accounting for possible multiple failures of a given lift during a particular trip or multiple trips); and the length of time those buses stayed in service before being repaired, by month for the past 6 months.
7. The headways between buses (accessible and inaccessible) on all fixed routes, or a schedule showing the information. A description of the provision of alternative accessible transportation to people with disabilities, including those who use scooters, when the headway to the next accessible vehicle exceeds 30 minutes, consistent with 49 CFR 37.131(f). Include the average time that a rider had to wait for an accessible bus or alternative form of transportation, following arrival of a bus experiencing a lift failure or an inoperative lift, by month for the past 6 months.
8. The City of Poughkeepsie's procedure(s) incorporating appropriate due process for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.

# The City of Poughkeepsie

New York

**PAUL ACKERMANN**  
Corporation Counsel

**REBECCA A. VALK**  
Assistant Corporation Counsel

**VICTOR AQEEL**  
Assistant Corporation Counsel



62 Civic Center Plaza  
Poughkeepsie, NY 12601

PHONE: (845) 451-4065  
FACSIMILE: (845) 451-4070

August 14, 2015

Dawn Sweet, Program Manager  
U. S. Department of Transportation  
Federal Transit Administration  
5<sup>th</sup> Floor – East Building, TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RECEIVED IN TCR  
2015 AUG 24 P 4: 24

Re: FTA Complaint No. 15-0173

Dear Ms. Sweet:

Please accept this as the City's response to the above complaint. For your convenience I will address your requests in the same order as numbered.

1. Bus 283 of the City of Poughkeepsie fleet had a broken ramp due to a bus accident. The City has six routes and eight buses of which two are spares that are used when buses are out of service for maintenance or repairs. The City provides duplications of route service on some of our routes. While bus 283's wheelchair lift was not operational on April 30, 2015, another bus with an operational wheelchair lift was following on the same route. The City also contracts with Dutchess County to provide Dial-A-Ride services and Para-Transit Services. Both services were offered to Mr. Price by Mr. McGann, be he refused same. The bus was pulled for service on May 15, 2015 and work began on May 16, 2015 with work completing on May 22, 2015. The bus was put back in service on the May 26, 2015. While in for service, it was only used as a spare bus, and riders were offered alternative means of transportation. The only documentation of the interaction with the City of Poughkeepsie personnel is one phone call. Mr. Price called the bus dispatcher on May 11, 2015 alleging that there was no handicapped service for two weeks and threatened a lawsuit. Mr. Price was offered Dial-A-Ride or Para-Transit Services, which he declined.
2. There is no written correspondence between City and Complainant. Only complaint was verbal via telephone.

3. City of Poughkeepsie Transit System Fleet Inventory:

MODEL	NO.	LENGTH/CAPACITY/WC/FUEL	ACCESSIBILITY
2004 Gillig Phantom	281	35'L, 36 seats, 26 standing, 2wc, D fuel	Lift
2004 Gillig Phantom	282	35'L, 35 seats, 26 standing, 2wc, D fuel	Lift
2008 Gillig Hybrid Phantom	08-283	40'L, 38 seats, 28 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-284	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-285	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2008 Gillig Hybrid Phantom	08-286	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp
2011 Gillig Hybrid Phantom	287	40'L, 38 seats, 28 standing, 2wc, D fuel	Ramp
2011 Gillig Hybrid Phantom	288	35'L, 32 seats, 24 standing, 2wc, D fuel	Ramp

There are six (6) fixed routes from September through June, five (5) fixed routes July and August. Assuming one (1) bus out of service for repairs or regular maintenance, the spare ratio is one (1) spare bus from September through June and two (2) spare buses during July and August.

4. See attached response.

5. January 2015: 6 fixed route buses

February 2015: 6 fixed route buses

March 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare (3/17)

April 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare

May 2015: 6 fixed route buses, 1 bus (inoperable ramp) in service as spare (fixed 5/20)

June 2015: 6 fixed route buses

6. January 2015: 0 failed in-service buses, 0 failed spare bus

February 2015: 0 failed in-service buses, 0 failed spare bus

March 2015: 0 failed in-service buses, 1 failed spare bus (3/17)

April 2015: 0 failed in-service buses, 1 failed spare bus

May 2015: 0 failed in-service buses, 1 failed spare bus (fixed 5/20)

June 2015: 0 failed in-service buses, 0 failed spare bus

7. Main Street: 60 minutes

Galleria: 60 minutes

Northside: 45 minutes and 60 minutes

Southside: 30 minutes and 60 minutes

Shopper's Special: 60 minutes

Special: 40 minutes

Overlapping routes: Main Street / Shopper's Special: 30 minutes

Southside / Galleria: 30 minutes

Additional service provided by Dutchess County Loop Bus System (a Para-Transit contract has been established with Dutchess County for the City of Poughkeepsie).

8. All complaints are investigated initially by the Department of Public Works Safety Officer. If such complaint cannot be handled, the complaint is forwarded to the Deputy Commissioner of Finance. This provides an appeal process for all complaints and an adequate opportunity for a complainant to be heard.

Trusting this is satisfactory, I am,

Sincerely,

CITY OF POUGHKEEPSIE

By: \_\_\_\_\_

  
PAUL ACKERMANN, ESQ.  
CORPORATION COUNSEL

PA:nlbg  
Enclosures

meet all requirements established in Vehicle and Traffic Law Article 19A and any Federal Regulations.

- 4(2)
- 15.4.5 Training requirements for operators include familiarization with the property's facilities and the local areas.
  - 15.4.6 Training requirements for operators include thorough coverage of the role of safety, in the overall organization and in operations.
  - 15.4.7 Training requirements include route training, map reading and the location of local medical, police, and fire facilities.
  - 15.4.8 Instruction in operation of a safety related equipment, to include, but not limited to the following:
    - 15.4.8.1 Operator training on the safe operation of the doors, door interlocks (on equipment having these types of doors) and safety features.
    - 15.4.8.2 Operator training for the safe operation of the kneeling system (on equipment having kneeling systems) and safety features.
    - 15.4.8.3 Operator training for the safe operation of the wheelchair lift, its safety features and tie downs or locking devices.
    - 15.4.8.4 Operator training in the safe operation of the brakes as well as safe acceleration and deceleration rates.
    - 15.4.8.5 Operator training in the use of the mirrors, sun visor and wipers.
    - 15.4.8.6 Operator training for the proper use of the bus communication systems, being the two-way radios. Poughkeepsie Transit System does not have security alarms.
  - 15.4.9 Operator training provided on passenger safety to include, but not limited to the following:
    - 15.4.9.1 Operator training on passenger safety including on-board causes of accidents and injuries and safe acceleration and deceleration rates.
    - 15.4.9.2 Operator training on passenger safety includes the physical limitations of the elderly and disabled
  - 15.4.10 Operator receives training in the emergency/standard operation procedures to include, but not limited to the following:
    - 15.4.10.1 Operator training for the traffic accidents.
    - 15.4.10.2 Operator training for collision with fixed objects.

Section 17. Maintenance Safety Related Activities.

17.1 Vehicle Maintenance Policies and Programs:

- 17.1.1 Employees, during orientation, are introduced to vehicle maintenance policies and program.
- 17.1.2 Units are scheduled for service, based on mileage.
- 17.1.3 All preventative maintenance is scheduled according to mileage. Each bus receives preventative maintenance at 6,000 miles or every ninety (90) days. Whichever occurs first.
- 17.1.4 All maintenance is done in-house.
- 17.1.5 Poughkeepsie Transit System usually purchases new equipment from the NYSDOT bid contract.
- 17.1.6 Mechanic's defensive driver training and retraining program is through the US Department of Transportation, Transportation Safety Institute. Sponsored by the Urban Mass Transportation Administration. It includes passenger relations, bus maneuvering and defensive driving and emergency and accident handling procedures.

17.2 Preventative maintenance procedures and schedules include but not limited to the following tests and inspections:

- 17.2.1 The brake and air systems
- 17.2.2 The door system
- 17.2.3 On-board communication systems, interior and exterior lights and reflectors
- 17.2.4 Tires, lug nuts, and studs
- 17.2.5 Steering assembly
- 17.2.6 Wheelchair lift system and tie downs systems
- 17.2.7 Windshield wipers, mirrors, and horn
- 17.2.8 Body exterior, interior and steps
- 17.2.9 Suspension system
- 17.2.10 Fire extinguisher, first aid kit, fuses and triangle reflectors.
- 17.2.11 Seatbelts

17.3 Corrective maintenance procedures for equipment and systems in place to include, but not limited to, the following:

A(A)

- 16.2.5 The emergency operating procedure for inclement weather, are as explained in the training materials published by the Transportation Safety Institute.
- 16.2.6 Operating procedure for route detours is to inform dispatch immediately upon encountering a detour.
- 16.3 Operator conducts pre-and post-trip inspections of bus equipment to include, but not limited to, the following:
- 16.3.1 Brakes system
  - 16.3.2 The door system
  - 16.3.3 On-board communication systems, exterior, interior lights and reflectors
  - 16.3.4 The tires, lug nuts and studs
  - 16.3.5 Steering assembly and suspension system
  - 16.3.6 Wheelchair lift system and tie down system (when equipped)
  - 16.3.7 Windshield wipers, mirrors, horn and seatbelt
  - 16.3.8 Bus exterior, bus interior and steps
  - 16.3.9 On-board fire extinguisher, first aid kit, fuses and triangle reflectors
- 16.4 Revenue service checks conducted, to include but not limited to, the following:
- 16.4.1 To determine the operator's general performance and conformance to the standard operation procedures.
  - 16.4.2 To determine the operator's handling of elderly and disabled passengers and sensitivity to their situation.
  - 16.4.3 For schedule adherence
  - 16.4.4 Revenue service speed checks are performed at school zones and areas with a high citation rate.
  - 16.4.5 Upon request, reports are prepared and submitted for the revenue service checks conducted.
- 16.5 Operations helps resolve unsafe practices and investigate accidents and incidents
- 16.6 Operations helps establish safety-training requirements.
- 16.7 Safety performance is part of employee evaluation.

4(3)

Bus # \_\_\_\_\_

Bus Inspection Sheet Mileage \_\_\_\_\_

Date \_\_\_\_\_

Check EACH item that meets inspection standards. Write comments on reverse side

Pre Road Test

- 4(2,6)
1. Low air warning buzzer
  2. Start engine; check neutral safety system
  3. Air governor setting 120 psi High- 90 psi low
  4. Test horn, check gauges
  5. PA system / 2 way radio and camera system: email supervisor. If camera system is not working.
  6. Engine protection or alarm system
  7. Parking and emergency brake system
  8. Stop signals
  9. Heater, defroster and fan operation
  10. A/C unit
  11. Kneeling operation
  12. Wheelchair lift-ramp
  13. Wiper & washer operation
  14. First aid kit and 3 flares or 3 reflectors
  15. Fire extinguisher (charged? Certified? Secured?)
  16. All interior surfaces and seats
  17. Pressure wash if needed
  18. Exterior body, exit and entry doors and all windows and windshields
  19. Rear door touch bar
  20. All exterior lights and signals
  21. ROAD TEST Steering control (free play, looseness)
  22. Engine (run smoothly? unusual noise?)
  23. Emergency exits (operation: warning devices)
  24. UNDER HOOD All fluid levels (locate source of any leaks)
  25. Condition of belts, hoses
  26. Fuel system, check for any leaks
  27. Battery and master cut off switch
  28. UNDERSIDE King pin end play
  29. Steering linkage and suspension
  30. Exhaust system (any leakage, looseness)
  31. Transmission and transmission cooler line for leakages
  32. Driveshaft, including u-joints
  33. Differential fluid level
  34. BRAKE INSPECTIONS Brake chambers, relay valves, lines (mounting, leakages)
  35. Slack adjuster and linkage- All air lines and air tanks. Drain air tanks.
  36. TIRES Front L\_\_\_\_R\_\_\_\_ Rear LO\_\_\_\_LI\_\_\_\_RI\_\_\_\_RO\_\_\_\_ inflate all tires to spec. Axle flange and lug nuts.
  37. PERFORM BRAKE TEST WITH METER Service \_\_\_\_\_ Emergency \_\_\_\_\_ Other \_\_\_\_\_

Inspector's Signatures \_\_\_\_\_

**Sec. 37.163 Keeping vehicle lifts in operative condition; Public entities.**

- (a) This section applies only to public entities with respect to lifts in non-rail vehicles.
- (b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.
- (c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.
- (d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.
- (e) If there is no spare vehicle available to take the place of a vehicle with an inoperative lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperative lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.
- (f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.