

Attendance Sheets

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

Date: 9/16/15

Board Meeting
of the
Dutchess County Legislature

Wednesday, September 16, 2015

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, Farley, Flesland, Horton, Hutchings, Ignaffo, Incoronato, Jeter-Jackson, Johnson, Kelsey, MacAvery, Miccio, Nesbitt, Perkins, Pulver, Rolison, Sagliano, Strawinski, Surman, Thomes, Tyner, Weiss

ABSENT: 2 Bolner, Roman

PRESENT, LATE: 1 Amparo

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Pastor Luis Perez of The Reformed Church in Rhinebeck, followed by a moment of silent meditation.

Commendations:

Commendation: Community Voices Heard (CVH)

Proclamation: Albinism Awareness Month – September 2015

Proclamation: Recognizing September as Hunger Action Month

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

Constantine Kazolias, Poughkeepsie, spoke regarding the hunger issue in the county.

Mae Parker Harris, Poughkeepsie, spoke regarding making Market Street a two-lane road.

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 Rolison entertained a motion to approve the August 2015 minutes.

The August 2015 minutes were adopted.

COMMUNICATIONS RECEIVED FOR THE SEPTEMBER 2015 BOARD MEETING

Received from County Clerk, Summary of Mortgage Tax collected April 2015 - August 2015.

Received from New York State Department of Taxation and Finance, List of Certified 2015 State Equalization Rates.

Received from Water and Wastewater Authority, Tentative Estimate of 2016 Debt Service Expenditures and Revenue Needs and the Tentative Assessment Rolls for Zones of Assessment A, B, C, D, H, J, K, L, and Q in the Dutchess County Water District and for Part County Sewer Districts 1, 2, and 3.

Received from Elizabeth Robinson, email in support of the proposed laws regarding banning toxic toys, well testing, and pesticide neighbor notification.

Received the following from Dutchess County Comptroller:

NYSARC, Inc., Dutchess County Chapter for January 1, 2014 – December 31, 2014

Dutchess County Regional Chamber of Commerce for January 1, 2013 – December 31, 2014.

Received from Bill Sepe, Poughkeepsie, email in support of joining with Ulster County in developing a regional waste management center.

Received from Town of Saugerties, Local Law No. 2 of 2015, A Local Law Amending Chapter 245 of the Town of Saugerties Municipal Code entitled, "Zoning, Town of Saugerties, New York," regarding solar energy generating facilities.

Received from Community and Family Services, 2014 Annual Report.

Received from Beekman Town Clerk, Notice of Public Hearing with regard to amending Chapter 155, Zoning of Beekman Town Code – reestablish regulations for the Beekmanville hamlet.

RESOLUTION NO. 2015217

RE: AUTHORIZING AGREEMENT WITH DUTCHESS COUNTY WATER
AND WASTEWATER AUTHORITY

Legislators HUTCHINGS, ROLISON, FLESLAND, BOLNER, BORCHERT, HORTON, SAGLIANO, THOMES, JETER-JACKSON, FARLEY, and STRAWINSKI offer the following and move its adoption:

WHEREAS, pursuant to Resolution No. 202137, the County made and entered into an Agreement with the Dutchess County Water and Wastewater Authority("Authority"), County Contract Number 02-0552-WA, dated June 27, 2002, by the terms of which the County was to acquire excess capacity in the water transmission line for \$3,000,000.00 in consideration therefor, and, in addition, agreed to convey to the Authority a 30' construction easement and a 15' permanent easement over the length of the railroad corridor needed for the water main, subject to certain conditions contained therein, and

WHEREAS, pursuant to Resolution No. 204291, the County made and entered into an Agreement with the Authority, County Contract Number 04-0730-WA, dated November 19, 2004, whereby the County and the Authority agreed that the Authority would construct and thereafter maintain the Central Dutchess Water Transmission Main and that the County would acquire a reservation of capacity in the Central Dutchess Water Transmission Main, consisting of one-half of the total capacity of the Central Dutchess Water Transmission Main, such acquisition assuring the availability to the County for future anticipated use of the Central Dutchess Water Transmission Main by municipalities and persons along or connecting to the Central Dutchess Water Transmission Main of a transmission main for the delivery of potable water, as such municipalities and persons may, from time to time, require, and

WHEREAS, the County requires a source of potable water at the Dutchess County Airport located in the northern section of the Town of Wappinger, NY, and the County has decided to elect to utilize a portion of its capacity in the Central Dutchess Water Transmission Line and has selected as a source of the water a connection to the Central Dutchess Water Transmission Line, and

WHEREAS, pursuant to Resolution No. 2015007, the Dutchess County Legislature authorized the issuance of \$2,900,000.00 in bonds to pay the cost of the construction of a water main line from the Central Dutchess Water Transmission Line to the County Airport, and

WHEREAS, the County has solicited grants in the amount of \$600,000.00 of a possible \$1,000,000 Empire State Development grant and \$200,000.00 from Central Hudson Gas and Electric Corporation, and

WHEREAS, the County desires to retain the Authority as its agent to act as Program Administrator for the construction project to construct a 12 inch diameter, class 52 cement lined, ductile iron pipeline starting at the Dutchess County Central Dutchess Water Transmission Line and generally following a westerly route across a private parcel with wetland,

then along Airport Drive to NYS Route 376, where it will go northerly along NYS Route 376, crossing NYS Route 376 and terminating at the Airport at Griffith Way with a metering pit required at the connection to the Central Dutchess Water Transmission Line and at the terminus at the Airport (the "Project"), and

WHEREAS, the Authority is qualified and is willing and able to perform such services in a timely manner, and

WHEREAS, New York Public Authorities Law Section 1125(2) regarding the Dutchess County Water and Wastewater Authority provides that "The county...may give, grant, sell, convey...any properties which are useful to the authority to carry out its powers...", and

WHEREAS, upon completion of the Project, the County shall transfer the aforementioned pipeline and all related improvements included in the Project to the Authority for \$10.00 and other good and valuable consideration. Such consideration includes the obligation of the Authority to maintain the pipeline and all related improvements in perpetuity, now therefore, be it

RESOLVED, that the Dutchess County Legislature hereby approves the Amendment Agreement between the Dutchess County Water and Wastewater Authority and all the provisions therein, and authorizes the County Executive to execute the same on behalf of the County in substantially the form attached hereto, and it is further

RESOLVED, that the County Executive is hereby authorized to make and execute such additional agreements and documents necessary to complete the project not inconsistent with this resolution.

CA-133-15
CRC/G-0964/G-1598-A
08/11/2015

Fiscal Impact: See attached statement

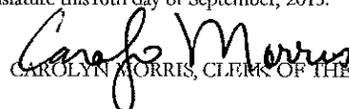
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

This resolution is to authorize the County Executive to execute an agreement to allow the Dutchess County Water and Wastewater Authority to serve as Program Administrator for the construction of a water pipeline from the Central Dutchess Water Transmission Line to the Dutchess County Airport. The costs associated with this project were previously approved with the passage of Resolution 2015007.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 8/18/2015

delivery of potable water, as such municipalities and persons may, from time to time, require, and

WHEREAS, the County requires a source of potable water at the Dutchess County Airport located in the northern section of the Town of Wappinger, NY, and the County has decided to elect to utilize a portion of its capacity in the Central Dutchess Water Transmission Line and has selected as a source of the water a connection to the Central Dutchess Water Transmission Line, and

WHEREAS, the County desires to retain the Authority as its agent to act as Program Administrator for the construction project to construct a 12 inch diameter, class 52 cement lined, ductile iron pipeline starting at the Dutchess County Central Dutchess Water Transmission Line and generally following a westerly route across a private parcel with wetland, then along Airport Drive to NYS Route 376, where it will go northerly along NYS Route 376, crossing NYS Route 376 and terminating at the Airport at Griffith Way with a metering pit required at the connection to the Central Dutchess Water Transmission Line and at the terminus at the Airport (the "Project"), and

WHEREAS, the Authority is qualified and is willing and able to perform such services in a timely manner, and

WHEREAS, the funds necessary to pay for such services are appropriated in the 2015 Adopted County Budget, now, therefore, it is mutually agreed by and between the parties hereto as follows:

1. SCOPE OF SERVICES. The Authority agrees to perform in a manner which is acceptable to the County, consistent with the highest standards of care, and in strict compliance with all applicable federal, state and local laws, regulations and procedures, the services set forth in Exhibit "A" annexed hereto and made a part of this Agreement ("Program Management Services"). If any term, provision, clause or covenant of Exhibit "A" contradicts or creates an ambiguity with any term, provision, clause or covenant of the body of this Agreement the body of this Agreement shall govern.

2. TERM OF AGREEMENT. This Agreement shall be effective September 1, 2015 and shall terminate on April 30, 2018, unless otherwise terminated as set forth herein.

3. PAYMENT. The County has by resolution agreed to bond for the administrative and construction costs of the Project for \$2.9 million. Further, the County of Dutchess has solicited grants in the amount of \$600,000.00 of a possible \$1 million Empire State Development grant and \$200,000.00 from Central Hudson Gas and Electric Corporation.

As full and complete consideration for the Program Management services so rendered, the County shall pay a total sum not to exceed ONE HUNDRED TWENTY FIVE THOUSAND and 00/100 (\$125,000.00) DOLLARS.

As full and complete consideration for the services so rendered, the County shall pay a total sum not to exceed THREE MILLION SEVEN HUNDRED THOUSAND and 00/100

(\$3,700,000.00) DOLLARS for Program Management Services plus the approved actual costs of the design and construction of the Project. (collectively "Construction Costs"). ALL TRADE CONTRACTORS AND PROFESSIONALS SHALL BE CHOSEN IN CONSULTATION WITH THE COUNTY.

New York Public Authorities Law Section 1125(2) regarding the Dutchess County Water and Wastewater Authority provides that "The county...may give, grant, sell, convey...any properties which are useful to the authority to carry out its powers..."

Upon completion of the Project, the County shall transfer the aforementioned pipeline and all related improvements included in the Project to the Authority for \$10.00 and other good and valuable consideration. Such consideration includes the obligation of the Authority to maintain the pipeline and all related improvements in perpetuity.

Payment of the above consideration shall be made to the Authority upon submission of statements in a form satisfactory to the County. No payment shall be made prior to audit and approval by the County.

4. DEFENSE AND INDEMNIFICATION

PROFESSIONAL SERVICES: For all matters arising out of the Project, the Authority agrees, to the fullest extent permitted by law, to indemnify and hold harmless the County, its officers, and employees against damages, liabilities and costs, including reasonable attorney's fees, to the extent caused by the negligent performance of the Authority, or third parties under the direction or control of the Authority, in the performance of professional services related to the Project.

GENERAL LIABILITY: For all matters other than those arising out of the Authority's professional services related to the Project (such other matters commonly referred to as "General Liability Claims"), the Authority agrees to the fullest extent permitted by law to defend, indemnify and hold the County and its employees harmless from any and all such losses, claims, liens, demands and causes for action, including but not limited to, judgments, penalties, interest, court costs, and legal fees incurred by the County on behalf of any party, in connection with or arising directly or indirectly from this Agreement. The Authority shall investigate, handle, respond to and defend any such claims, demands or suits at his sole expense, and shall bear all other related costs and expenses even if such claims, demands or suits are groundless, false or fraudulent. This indemnification section shall survive the expiration or termination of this Agreement.

In any matter in which indemnification hereunder for either professional or non-professional services would violate Section 5-322.1 of the New York General Obligations Law or any other applicable legal prohibition, the foregoing provisions shall not be construed to indemnify the County. New York General Obligations Law Section 5-322.1 provides:

1. A covenant, promise, agreement or understanding in, or in connection with or collateral to a contract or agreement relative to the construction, alteration, repair or maintenance of a building, structure, appurtenances and appliances including moving, demolition and excavating connected therewith, purporting

to indemnify or hold harmless the promisee against liability for damage arising out of bodily injury to persons or damage to property contributed to, caused by or resulting from the negligence of the promisee, his agents or employees, or indemnitee, whether such negligence be in whole or in part, is against public policy and is void and unenforceable; provided that this section shall not affect the validity of any insurance contract, workers' compensation agreement or other agreement issued by an admitted insurer. This subdivision shall not preclude a promisee requiring indemnification for damages arising out of bodily injury to persons or damage to property caused by or resulting from the negligence of a party other than the promisee, whether or not the promisor is partially negligent.

2. A covenant, promise, agreement or understanding in, or in connection with or collateral to a contract or agreement relative to the construction, alteration, repair or maintenance of a building, structure, appurtenances and appliances including moving, demolition and excavating connected therewith, purporting to condition a subcontractor's or materialman's right to file a claim and/or commence an action on a payment bond on exhaustion of another legal remedy is against public policy and is void and unenforceable; provided that this subdivision shall not affect the validity of any insurance contract, workers' compensation agreement or other agreement issued by an admitted insurer.
3. The provisions of this section shall only apply to covenants, promises, agreements or understandings in, or in connection with or collateral to a contract or agreement, as enumerated in subdivision one hereof, entered into on or after the thirtieth day next succeeding the date on which it shall have become a law.

The term "employee" shall include all officers, advisory board members and/or volunteers serving the County.

5. INSURANCE REQUIREMENTS. At all times during the term of this Agreement, the Authority and its contractors providing services described in Exhibit A and their subcontractors, if any, (collectively, "Contracting Parties") shall maintain at its or their own cost the following insurance and shall provide proof thereof to the County, in the form of a Certificate of Insurance, prior to commencing work under this Agreement:

Worker's Compensation Employer's Liability (statutory limits). In compliance with the Workers' Compensation Law of the State of New York, the Authority and the Authority and each Contracting Party shall provide:

- a. a certificate of insurance on an Acord form indicating proof of coverage for Worker's Compensation, Employer's Liability, **OR**
- b. a New York State Workers Compensation Notice of Compliance (Form C-105, Form U-26.3, Form SI-12 or Form SI-105.2P).

- c. In the event that a Contracting Party is exempt from providing coverage, he must provide a properly executed copy of the Certificate of Attestation of Exemption from NYS Workers' Compensation Board, Form CE-200.

Commercial General Liability Insurance coverage including blanket contractual coverage for the operation of the program under this Agreement with limits not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate. This insurance shall be written on an occurrence coverage form and include bodily injury and property damage liability. The County must be listed as additional insured. The additional insured endorsement for the Commercial General Liability insurance required above shall not contain any exclusion for bodily injury or property damage arising from completed operations.

Automobile Liability Insurance coverage for all owned, scheduled, hired, and non-owned vehicles with a combined single limit of liability of not less than \$1,000,000. This insurance shall include coverage for bodily injury and property damage. The County must be listed as additional insured.

Professional Liability, if applicable, with limits not less than \$1,000,000 per occurrence; \$3,000,000 in the aggregate. In the event of expiration or termination of this Agreement, each Contracting Party providing professional services shall either maintain the abovementioned insurance coverage for a period of not less than three (3) years, or shall provide an equivalent extended reporting endorsement (commonly known as a 'tail policy').

Excess/Umbrella Liability, if required, with limits not less than \$5,000,000 per occurrence with a \$5,000,000 aggregate. The County must be included as additional insured.

The Acord form certificate of insurance must contain the following provisions:

- (A) The County of Dutchess must be listed as certificate holder and additional insured on the commercial general, umbrella/excess, and automobile liability policies. In addition, the commercial general liability policy must include the additional insured endorsement forms cg 2037 July 2004 edition and the cg 2010 April 2013 edition or their equivalent.
- (B) The commercial general and automobile policies are primary and noncontributory.
- (C) The commercial general liability, auto liability and workers compensation policies must contain a waiver of subrogation in favor of the County of Dutchess.
- (D) The umbrella/excess policy is primary and noncontributory and must contain a waiver of subrogation in favor of the County of Dutchess.
- (E) If the workers compensation Notice of Compliance is used instead of the Acord certificate of insurance, the Notice of Compliance must indicate that a waiver of subrogation in favor of the County of Dutchess is provided.

Notwithstanding (D) above, the Authority shall exercise commercial reasonable efforts to procure an umbrella/excess policy which provides that it is primary and noncontributory. If after

the exercise of such efforts, the Authority is unable to include such language, this requirement shall be waived.

All policies of insurance referred to above shall be underwritten by companies authorized to do business in the State of New York with an A.M. Best financial strength rating of A- or better. In the alternative, the policies of insurance referred to above may be underwritten by Non-Admitted companies with an A.M. Best financial strength rating of A+ or higher. In addition, every policy required above shall be primary and noncontributory, except as otherwise provided herein. Any insurance carried by the County, its officers, or its employees shall be excess and noncontributory insurance to that provided by the Authority. The Authority and the Contracting Parties shall be solely responsible for any deductible losses under each of the policies required above.

Payment(s) to the Authority may be suspended in the event the Authority or any of the Contracting Parties fails to provide the required insurance documentation in a timely manner.

Prior to cancellation or material change in any policy, a thirty (30) day notice shall be given to the County Attorney at the address listed below:

Dutchess County Attorney
County Office Building
22 Market Street
Poughkeepsie, New York 12601

On receipt of such notice, the County shall have the option to cancel this Agreement without further expense or liability to the County, or to require the Authority to replace the cancelled insurance policy, or rectify any material change in the policy, so that the insurance coverage required by this paragraph is maintained continuously throughout the term of this Agreement in form and substance acceptable to the County. Failure of the Authority to take out or to maintain, or the taking out or the maintenance of any required insurance, shall not relieve the Authority from any liability under this Agreement nor shall the insurance requirements be construed to conflict with or to limit the obligations of the Authority concerning indemnification.

All losses of County property shall be adjusted with and made payable directly to the County.

All Certificates of Insurance shall be approved by the County's Director of Risk Management or designee prior to commencement of any work under this Agreement.

In the event that claims in excess of these amounts are filed in connection with this Agreement, the excess amount or any portion thereof may be withheld from payment due or to become due the Authority until the Authority furnishes such additional security as is determined necessary by the County.

6. BUDGET. The Authority agrees to provide Program Management Services under this Agreement in strict compliance with the budget which is annexed to and made a part of this Agreement as Exhibit "B" and which details all personnel or other costs of services to be rendered by the Authority under this Agreement. Any change or modification of the budget must be in writing and must be approved in advance by the County, which approval shall not be

unreasonably withheld, delayed or conditioned. Notwithstanding any other provision of this Agreement, the Authority agrees that, in the event that his expenditures are less than his total budget and at the termination of this Agreement County funds remain unexpended, he shall return said funds to the County. The County is solely responsible for the payment of approved actual Construction Costs consistent with the limit in Paragraph 3, "Payment," above.

7. AUDIT. The Authority shall maintain an accounting system that enables the County to readily identify assets, liabilities, revenues, expenses and disposition of County funds. Records should include, but not be limited to, those kept by the Authority, its employees, agents, assigns, and subcontractors.

All vouchers or invoices presented for payment to be made hereunder, and the books, records and accounts upon which the vouchers or invoices are based are subject to review by the responsible department and audit by the County Comptroller. The Authority shall submit any and all documentation and justification in support of expenditures or fees under this Agreement as may be required by the County. The audits may include examination and review of the source and application of all funds from the county, state, or federal governments. The Authority shall not be entitled to any interim or final payment under this Agreement, and any overpayment may be recouped, if any audit requirements and/or requests have not been satisfactorily met or if any expenditures or fees by the Authority are determined to be irregular by the auditor. This paragraph shall survive the termination of the Agreement.

8. MWBE AND EEO REQUIREMENTS. The Authority shall comply with all applicable MWBE and EEO requirements and include such requirements in all requests for proposals and construction bidding documents, professional service and construction contracts which the Authority lets. Further, the Authority shall prepare all documentation necessary to comply with MWBE and EEO reporting requirements.

9. All other terms and conditions of the Underlying Agreement, and any amendment thereto not expressly amended or altered by this Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the County and the Authority have executed this Agreement by their duly authorized officers as of the date first written above.

APPROVED AS TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

County Attorney

By _____
Marcus J. Molinaro
County Executive

DUTCHESS COUNTY WATER AND
WASTEWATER AUTHORITY

By _____
Thomas LeGrand
Chairman, Board of Directors

SCOPE OF SERVICES

I. GENERAL

A. Nature of the Project

Dutchess County (DC) requires a source of potable water at the Dutchess County Airport (Airport) located in the northern section of the Town of Wappinger, NY. The County has selected as a source of the water a connection to the Central Dutchess Water Transmission Line (CDWTL). The route of the 12 inch diameter, class 52 cement lined, ductile iron pipeline will start at the CDWTL and generally follow a westerly route across a private parcel with regulated wetlands and streams, then along Airport Drive to NYS Rte. 376, where it will go northerly along NYS Rte. 376, crossing NYS Rte. 376 and terminating at the Airport at Griffith Way. A metering pit will be required at the connection to the CDWTL and at the terminus at the Airport.

B. Responsibilities

1. Dutchess County (DC) will:

- Provide all funding for the project.
- Make payments directly to consultants, subsurface investigation contractor and construction contractors
- Administer and coordinate any requirements that are required by funding entities such as financial record keeping, independent audits and approval of consultant and contractor payments.
- Provide any MWBE/EEO requirements of DC or funding entities (via copies of executed funding agreements) for incorporation into requests for proposals and construction bidding documents, professional service and construction contracts, and submission of various MWBE and EEO documentation.
- Assign Minority Business Officer (MBO) and submit MWBE and EEO documentation as required by funding entities.
- Process and submit all required applications for permits or approvals from regulatory agencies including the US Army Corps of Engineers, US Fish and Wildlife Service, NYS Department of Environmental Conservation, DC/NYS Department of Health, and the Town of Wappinger, NY based upon documents prepared by DCWWA's Consultants.
- Provide Bill of Sale and related transfer documents to DCWWA at project completion.
- Lead all SEQRA activities for the project

- Expediting of reviews and permits of permitting and approval entities.
2. Dutchess County Water and Wastewater Authority (DCWWA) will act as program manager and contracting agent for Dutchess County, NY (DC) for the design, permitting, construction and commissioning of the water line. Activities will be limited to:
- Develop overall Project Schedule.
 - Amend Project Schedule as project develops.
 - Monitor Project Schedule and provide quarterly status updates.
 - Prepare Project Budget exclusive of DC costs.
 - Amend Project Budget as required as project develops within constraints of project budget set by the legislative resolution.
 - Monitor Project Budget versus expenditures providing quarterly reports during the project and at completion.
 - Issue design consultant, construction administration consultant, subsurface exploration contract and construction contracts for the project as agent of DC.
 - Prepare cash flow projections for the project and update quarterly.
 - Certify consultant and contractor payment requests to DC and provide to DC Department of Planning & Development for payment processing.
 - Oversee preparation of documents for all required permits and approvals.
 - Obtain approvals, execute and file easements based on plats and descriptions provided by Professional Design Consultant.
 - Represent DC before permitting and approval agencies.
 - Obtain from Contractors, review and provide to the County all documentation as may be required to demonstrate compliance with MWBE/EEO requirements of funding agencies.
 - Prepare Request for Proposal for Professional Design Services, obtain proposals, obtain DC concurrence with proposed award, award contract and administer contract in accordance with DCWWA standards.
 - Administer Professional Design Services Contract as agent for DC.
 - Prepare Request for Proposal for Professional Construction Management Services, obtain proposals, obtain DC concurrence with proposed award, award contract and administer contract in accordance with DCWWA standards as agent for DC.
 - Review and comment on Professional Design firm products.

- Coordinate with Design Professional for Subsurface Exploration bidding documents, contracts and bidding activities, obtain DC concurrence with proposed award, award contract and administer contract in accordance with DCWWA standards as agent for DC.
- Coordinate with Design Professional for General and Electrical Construction Contracts bidding documents, contracts and bidding activities, obtain DC concurrence with proposed award, award contracts and administer contracts in accordance with DCWWA standards as agent for DC.

C. Anticipated Contracts

1. Professional Design Services – This cost not to exceed agreement will cover surveying, wetland delineation, and easement plat and description development; drawing layout of the waterline route; development of front end documents, specifications and drawings for bidding of subsurface exploration; participation in the bidding and award of subsurface exploration activities; observation of subsurface exploration activities; performing Threatened and Endangered Species, Wetland, and Historic/Cultural Resource Assessments; support of DC SEQRA activities for the project; preparation of drawings and specifications; probable construction cost estimating; preparation of documents and participating in regulatory agency reviews; preparation of permit and approval applications and participating in permitting application process; progress reporting; participating in project meetings; support of bidding efforts; and services during construction which includes submittal review, responses to requests for information, attendance at the preconstruction meeting and attendance when requested at construction meetings, preparation of all meeting minutes throughout the design, bidding and award of the project. The agreement will allow for reimbursement of reproduction costs; obtaining of documents directly related to the project; messenger and express mail deliveries and travel and tolls. Overnight stay expenses will require preapproval.
2. Professional Construction Management Services – This cost not to exceed agreement will cover preconstruction services; review of bid packages; participation in pre-bid meeting; review of bids; administrative review of contractor submittals; coordination of designer review of contractor submittals; conducting and documenting pre-construction meeting; conducting and documenting weekly coordination meetings; conducting and documenting bi-weekly construction meetings; and coordination of requests for

information, contract change requests and change orders. Field activities include coordination with permitting and regulatory agencies; conducting and documenting field observation activities; monitoring and assuring all permit requirements are implemented; documentation of the location of work in the field; performing field measurements and tracking of quantities for payment purposes; and witness all testing activities. Office services shall include monthly project progress report; assembly and maintenance of files; and maintaining quantity and payment records and review and certification of contractor payment requests. During the post construction phase, activities will include the witnessing of line filling for pressure testing, pressure testing and disinfection of waterline; certification of construction completion to permitting or regulatory agencies; observation of the initial operation of electrical, instrumentation and telemetry equipment; coordination of operator training; and preparation of O&M documentation. Additionally, as constructed records of the contractors will be reviewed and a consolidated set of as constructed records will be prepared.

3. Subsurface Exploration Services – This unit price contract will be performed under NYS Prevailing Wage Rates. Estimated quantities for the various subsurface exploration items will be bid upon, with a final contract change order issued to set the final quantities and costs. This contract will include a final report and as explored locations of explored points. An allowance for additional work will be included in the contract to allow for minor changes in the scope of work.
4. General Construction- This unit price contract will be performed under NYS Prevailing Wage Rates. Estimated quantities for the various work components will be bid upon, with a final contract change order issued to set the final quantities and costs. An allowance for additional work and testing will be included in the contract to allow for minor changes in the scope of work.
5. Electrical Construction- This unit price contract will be performed under NYS Prevailing Wage Rates. Estimated quantities for the various work components will be bid upon, with a final contract change order issued to set the final quantities and costs. An allowance for additional work and testing will be included in the contract to allow for minor changes in the scope of work.

D. Anticipated Permits and Approvals

1. Dutchess County and/or New York State Department of Health approval of Public Water Supply Improvement.

2. New York State Department of Environmental Conservation permits; freshwater wetlands, Article 15, water supply, storm water pollution prevention plan.
3. United States Fish and Wildlife endangered or threatened species (potential).
4. Army Corps of Engineers federal wetlands (potential).
5. New York State Department of Transportation highway work permit.
6. State Historic Preservation Office review.
7. Town of Wappinger highway work permit.
8. Town of Wappinger Planning Board wetland and storm water approvals.
9. New York State Smart Growth Impact Statement.

II. DCWWA SERVICES DURING THE DESIGN PHASE

Specific activities that will be performed during the Design Phase of the project:

- Conduct and document the project initiation meeting with the Design Professional to address administrative requirements and scope of services of the Design Professional Service Agreement.
- Review Design Professional's initial schedule for conformance to project schedule.
- Monitor Design Professional's performance against schedule.
- Review and approve Design Professional's payment.
- Provide and review DCWWA standard water design requirements and details with Design Professional prior to beginning of design.
- Provide Design Professional general criteria for routing of the proposed waterline.
- Approve preliminary line routing for Subsurface Exploration work.
- Review and comment on drawings and specifications for Subsurface Exploration work.
- Coordinate with Design Professional for Subsurface Exploration bidding documents, contracts and bidding activities.
- Attend prebid meeting and bid opening for Subsurface Exploration contract.
- Review Design Professional's Subsurface Exploration bid analysis and recommendation prior to award.
- Coordinate with Design Professional the award and execution of Subsurface Exploration Contract.
- Accept final recommended waterline alignment after Design Professionals review of subsurface investigation results.
- Meet with the Design Professional monthly to review and document project status.

- Coordinate Design Professional access for any required field investigations on DC property.
- Review and comment on any draft reports.
- Review and comment on technical specifications.
- Review and comment on drawings.
- Conduct and document a project initiation meeting with the Professional Construction Manager to address administrative requirements and scope of services of the Professional Construction Management Service Agreement.
- Coordinate reviews between Design Professional and Professional Construction Manager.

III.DCWWA SERVICES DURING THE PERMITTING AND APPROVAL PHASE

Specific activities that will be performed during the Permitting and Approval Phase of the project:

- Review and comment on documents for application to NYS Department of Environmental Conservation (NYS DEC) for SPDES permit during construction.
- Review and comment on documents for Application to NYS DEC for Wetland Disturbance Permit.
- Review and comment on submission of documents for NYS Department of Transportation (NYS DOT) preliminary review for DOT Highway Work Permit.
- Review and comment on documents for application to the Town of Wappinger for Road Work Permits.
- Review and comment on documents for application to the Town of Wappinger for environmental disturbance activities.
- Review and comment on documents for NYS/DC Department of Health (NYS/DC DOH) review and approval of the project.
- Attendance at review meeting between Design Professional and DOH.
- Coordination between DC and permitting and regulatory agencies.
- Coordination between Design Professional and DC in regards to SEQRA activities.
- Review and comment on documents for submittal to the NYS Historic Preservation Office (SHPO.)

IV. DCWWA SERVICES DURING THE BIDDING PHASE

Specific activities that will be performed during the Bidding Phase of the project:

- Coordinate with Design Professional for General and Electrical Construction Contracts bidding documents, contracts and bidding activities
- Attend prebid meeting and bid opening for General and Electrical Construction Contracts.
- Coordinate bid reviews between Design Professional and Professional Construction Manager.
- Review Design Professional's General and Electrical Construction Contracts bid analysis and recommendation prior to award.
- Prepare contract recommendation memos and award resolutions for General and Electrical Construction Contracts.
- Administer contract preparation and execution, proof of insurance and other documentation required to initiate the construction contracts.
- Coordinate with Professional Construction Manager the award and execution of General and Electrical Construction Contracts.

V. DCWWA SERVICES DURING THE CONSTRUCTION PHASE

Specific activities that will be performed during the Construction Phase of the project:

- Attend preconstruction meeting conducted by the Professional Construction Manager.
- Attend bi-weekly construction meetings meeting conducted by the Professional Construction Manager.
- Review and comment on monthly project status reports prepared by the Professional Construction Manager prior to issuance.
- Conduct four audits of the Professional Construction Manager for compliance to its Construction Management and Observation Program (CAOP). (Each audit will cover relevant portions of the CAOP at the time of the Audit.)
- Review and approve Professional Construction Manager billings.

VI. DCWWA SERVICES DURING THE POSTCONSTRUCTION PHASE

Specific activities that will be performed during the Post Construction Phase of the project:

- Review Professional Construction Manager's Certification of Construction completion documents prior to submission to DC DOH.
- Review as constructed documents for adequacy.
- Prepare and obtain approval of Design Consultant Agreement Closeout Change order.
- Audit Professional Construction Manager quantity and payment records prior to preparation of General and Electrical Construction Contract final, closeout, change orders.
- Prepare General and Electrical Construction Contract final, closeout change orders.
- Obtain approval of General and Electrical Contract final closeout change orders.

VII. DCWWA PROJECT CLOSEOUT

Specific activities that will be performed during the Post Construction Phase of the project:

- Prepare and submit a final accounting of project costs exclusive of DC administrative costs.
- Submit project records to DC.
- Assure all permitting and regulatory agency completion notifications are complete.

VIII. DCWWA BUDGETING AND EXPENDITURE STATUS

A. Budget – An initial project budget exclusive of DC administrative costs will be created that incorporates the following elements:

- Program Management Service Agreement
- Professional Design Services Agreement
- Subsurface Exploration Contract
- Professional Construction Management Agreement
- General Construction Contract
- Electrical Construction Contract
- Legal Expenses
- Land and Easement Acquisition
- Project Contingency

As each contract is executed, the budget numbers will be actualized, with deficits subtracted or surpluses added to the project contingency.

- B. Expenditure Status – Expenditure status will be maintained for each professional service agreement, the subsurface exploration contract, and the General and Electrical Construction Contracts showing each payment request, total to date, and remaining to be paid.
- C. Quarterly Reporting –Quarterly Reports of the Budget and Expenditure Status will be issued approximately 30 days after the close of each calendar quarter.

IX. PROJECT SCHEDULE

- A. Initial Schedule Development – An initial project schedule will be developed based upon DCWWA's experience. The schedule will include:
 - Project initiation date will be the execution of the Program Management Service Agreement.
 - Activities to prepare requests for proposals for professional services.
 - Activities to issue, receive, evaluate and award contracts for professional services.
 - Design activities including survey and special investigations.
 - Activities to issue, receive, evaluate and award Subsurface Exploration contract.
 - Subsurface exploration activities.
 - Permitting and Approval activities based upon DCWWA's experience.
 - Construction Contract Bidding Activities.
 - Construction contractor activities.
 - Post Construction Activities.
 - Project Closeout Activities.
- B. DC will be responsible to supply durations for its activities related to the project.
- C. Schedule Revision – As each agreement is executed, the Schedule will be revised incorporate the agreement or contract schedule.
- D. Quarterly Review and Analysis –A formal schedule review and written analysis will be prepared and issued within approximately 30 days of the close of each quarter.

Public Works and Capital Projects Roll Call

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

Present:	<u>9</u>	Resolution: <input checked="" type="checkbox"/>		Total :	<u>9</u>	<u>0</u>
Absent:	<u>3</u>	Motion:			Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015217 AUTHORIZING AGREEMENT WITH DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution: X
 Motion: _____

Total: 23 0
 Yes No
 Abstentions: 0

2015217 AUTHORIZING AGREEMENT WITH DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

Date: September 16, 2015

RESOLUTION NO. 2015218

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8755.86)

Legislators HUTCHINGS, FLESLAND, BOLNER, BORCHERT, HORTON, SAGLIANO, WEISS, PERKINS, and FARLEY offer the following and move its adoption:

WHEREAS, a project for the improvements to Middlebush Road (CR 93) from Pleasant Lane to Cameli Drive in the Town of Wappinger, Dutchess County, identified as PIN 8755.86 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 206110 adopted on May 8, 2006, Resolution No. 207019 adopted January 22, 2007, and Resolution No. 2013195 adopted July 18, 2013, by the Dutchess County Legislature approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work, and

RESOLVED, that the Dutchess County Legislature hereby approves the above subject project; and it is hereby further

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

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

RESOLVED, that the sum of \$1,225,000 is hereby appropriated and made available from H0384.5110.3250.213 - 2007 Roads (ISTEA) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute any necessary agreements, certifications or reimbursement requests on

behalf of the County with New York State Department of Transportation in connection with the advancement or approval of the project identified in the State/Local Agreement, and it is further

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

RESOLVED, that this resolution shall take effect immediately.

CA-126-15

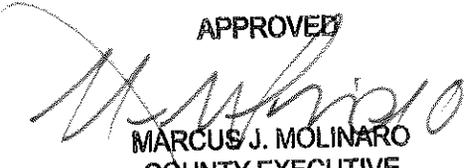
CAB/kvh

C-7129

8/12/15

Fiscal Impact: See attached statement

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/13/2015

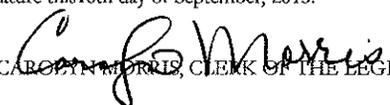
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.


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 \$ 1,225,000

Total Current Year Revenue \$ 980,000
and Source

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

Identify Line Items(s):
H0384.5110.3250.213

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$245,000
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 3 for Construction and Construction Inspection funds and to increase the Marchiselli Funds for the ROW Phase from NYSDOT for PIN 8755.86 Middlebush Rd. (CR 93): Pleasant Lane to Cameli Drive, Town of Wappinger.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 07/13/15

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 8755.86**

JSC Municipal Contract #: D024760 **Contract Start Date:** 3/14/2006 (mm/dd/yyyy) **Contract End Date:** 12/30/2017 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 3

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

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

Municipality: _____ % of Cost share
 Municipality: _____ % of Cost share
 Municipality: _____ % of Cost share

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

Work Type: HWY SAFETY **County (if different from Municipality):** Dutchess

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: Middlebush Road (CR 93): Pleasant Lane to Cameli Drive, Town of Wappinger

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

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$21,150.00	\$4,350.00	\$0.00	\$25,500.00
<input checked="" type="checkbox"/>	Current SFY <u>15/16</u>	\$0.00	\$1,500.00	\$0.00	\$1,500.00
Authorized Allocations to Date		\$21,150.00	\$5,850.00	\$ 0.00	\$27,000.00

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

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8755.86.121	Current	STP (80%)	\$141,000.00	\$112,800.00	\$21,150.00	\$7,050.00	\$0.00
	Old	STP (80%)	\$141,000.00	\$112,800.00	\$21,150.00	\$7,050.00	\$0.00
8755.86.221 222.	Current	STP (80%)	\$37,800.00	\$30,240.00	\$5,670.00 *	\$1,890.00	\$0.00
	Old	STP (80%)	\$37,800.00	\$30,240.00	\$4,350.00	\$3,210.00	\$0.00
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$178,800.00	\$143,040.00	\$26,820.00	\$8,940.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8755.86.321	Current	STP	\$1,225,000.00	\$980,000.00	\$0.00	\$245,000.00
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
TOTAL CURRENT COSTS:			\$1,225,000.00	\$980,000.00	\$ 0.00	\$245,000.00

C. Total Local Deposit(s) Required for State Administered Projects:	\$0.00
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D. Total Project Costs (to compute Total Costs in the last column, right click in the field and select "Update Field")

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$1,123,040.00	\$26,820.00	\$0.00	\$253,940.00	\$1,403,800.00

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

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

Public Works and Capital Projects Roll Call

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

Present: <u>9</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>9</u>	<u>0</u>
Absent: <u>3</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015218 AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8755.86)

Date: September 8, 2015

Roll Call Sheets

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

Present: 23 Resolution: Total : 23 0
 Absent: 2 Motion: _____ Yes No
 Vacant: 0 Abstentions: 0

2015218 AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8755.86)

Date: September 16, 2015

RESOLUTION NO. 2015219

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.69) NOXON ROAD (CR 21)

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON, SAGLIANO, WEISS, JETER-JACKSON, PERKINS, and FARLEY offer the following and move its adoption:

WHEREAS, a project for Noxon Road (CR 21) at Titusville Road (CR 49) in the Town of LaGrange, Dutchess County, identified as PIN 8758.69 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 204298 adopted by the Dutchess County Legislature on November 8, 2004, Resolution No. 206294 adopted by the Dutchess County Legislature on November 13, 2006, Resolution No. 2011270 adopted by the Dutchess County Legislature on November 9, 2011, and Resolution No. 2014184 adopted July 7, 2014, approved of and agreed to advance the above project by making a commitment of 100% of the federal and non-federal share of the costs of preliminary engineering, right-of-way incidental and acquisition, construction, construction inspection and construction supervision work, and

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

WHEREAS, it has been found necessary to increase the federal and non-federal share of the costs for the additional construction work for the Project; and now therefore,

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of \$141,951 (\$2,254,981 minus previous amount of \$2,113,030) is hereby appropriated from Capital Project H0290.5110.3250.213 – 2000 Roads (ISTEA/TEA21) and H0384.5110.3250.213 – 2007 Roads – ISTEA and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess County Executive thereof, and it is further

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

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-138-15
CAB/kvh/C-6804/G-0188
8/13/14
Fiscal Impact: See attached statement

APPROVED



MARCUS J. MOLINARO
COUNTY EXECUTIVE

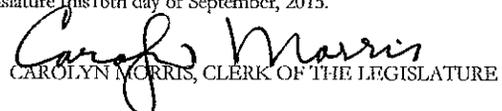
Date 9/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.



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 \$ 141,951

Total Current Year Revenue \$ 113,561
and Source

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

Identify Line Items(s):
H0290.5120.3450.213 & H0384.5110.3250.213

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: \$ 113,591

Net County Cost (this year): \$ 28,390
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 5 for additional funds for the Construction and Construction Inspection for PIN 8758.89 Noxon Road (CR 21) at Titusville Road (CR 49) Intersection, Town of LaGrange.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 08/04/2015

SUPPLEMENTAL AGREEMENT NO. 5 to D022359

This Supplemental Agreement is by and between:

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

And

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

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

- X Amends a previously adopted Schedule A by:
 - amending a project description
 - amending the contract end date
 - X amending the scheduled funding by:
 - X adding additional funding:
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - X increasing funding for a project phases(s) – **Construction - 7/1/2015**
 - adding a pln extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing a project phase(s)
 - other (increased Marchiselli funds)
- Amends a previously adopted Schedule "B"
- X Amends a previously adopted agreement by adding Appendix 2-S -- Iran Divestment Act
- Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8758.69
BIN: N/A
Comptroller's Contract No: D022359
Supplemental Agreement No. 5
Date Prepared & By: 07/30/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

APPROVED AS TO CONTENT

Date: ____/____/____

DEPARTMENT OF PUBLIC WORKS

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

On this _____ day of _____, 2015 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on _____ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

**SCHEDULE A -- Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8758.69**

OSC Municipal Contract #: 022359 **Contract Start Date:** 7/19/2004 (mm/dd/yyyy) **Contract End Date:** 9/30/2018 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 5

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

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

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

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

Work Type: HWY SAFETY **County (If different from Municipality):** Dutchess County

Marchiselli Eligible: Yes No (Check, if Project Description has changed from last Schedule A):

Project Description: Noxon Road (CR 21) & Titusville Road (CR 49), Town of LaGrange, Dutchess County

Marchiselli Allocations Approved FOR ALL PHASES (To compute Total Costs in the last row and column, right click in each field and select "Update Field")

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$30,045.00	\$4,000.00	\$249,000.00	\$283,045.00
<input type="checkbox"/>	Current SFY	\$	\$	\$0.00	\$ 0.00
Authorized Allocations to Date		\$30,045.00	\$4,000.00	\$249,000.00	\$283,045.00

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

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8758.69.121 122.	Current	CMAQ (80%)	\$200,300.00	\$160,240.00	\$30,045.00	\$10,015.00	\$0.00
	Old	CMAQ (80%)	\$200,300.00	\$160,240.00	\$30,045.00	\$10,015.00	\$0.00
8758.69.221 222.223	Current	CMAQ (80%)	\$204,730.00	\$163,784.00	\$4,000.00	\$36,946.00	\$0.00
	Old	CMAQ (80%)	\$204,730.00	\$163,784.00	\$4,000.00	\$36,946.00	\$0.00
8758.69.321	Current	CMAQ (80%)	\$1,849,951.00	\$1,479,961.00	\$249,000.00	\$120,990.00	\$0.00
	Old		\$1,700,000.00	\$1,366,400.00	\$249,000.00	\$92,800.00	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$2,254,981.00	\$1,803,985.00	\$283,045.00	\$167,951.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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

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

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$1,803,985.00	\$283,045.00	\$0.00	\$167,951.00	\$2,254,981.00

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

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

APPENDIX 2-S IRAN DIVESTMENT ACT

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

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

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

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

Public Works and Capital Projects Roll Call

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

Present: 9
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total :
 Yes No
 Abstentions:

2015219 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.69) NOXON ROAD (CR 21)

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total: 23 0
 Yes No
 Abstentions: 0

2015219 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.69) NOXON ROAD (CR 21)

Date: September 16, 2015

RESOLUTION NO. 2015220

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.71) OLD HOPEWELL ROAD (CR 28)

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON, SAGLIANO, WEISS, and PERKINS, FARLEY offer the following and move its adoption:

WHEREAS, a project for the Old Hopewell Road (CR28) Intersection with All Angels Hill Road (CR 94) in the Town of Wappinger, PIN 8758.71 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition, now therefore be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the costs of right of way acquisition work for the project or portions thereof, and it is further

RESOLVED, that the sum of \$96,555 is hereby appropriated from Capital Project H0290.5110.3250.213 – 2000 Bridges (ISTEA/TEA21) and H0384.5110.3250.213 – 2007 Roads ISTEA and made available to cover the cost of participation in the above phase of the Project, and it is further

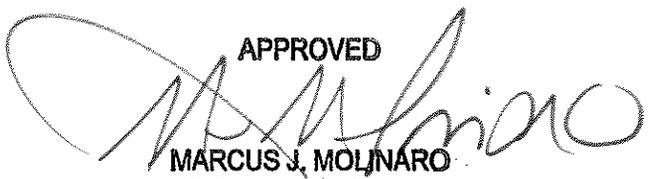
RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess County Executive thereof, and it is further

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

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-139-15
CAB/kvh/C-6805/G-0188
8/13/14
Fiscal Impact: See attached statement

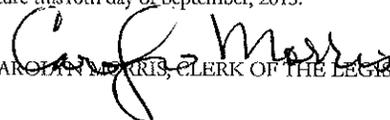
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/17/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


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 \$ 96,555

Total Current Year Revenue \$ 91,728
and Source

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

Identify Line Items(s):
H0290.5110.3250.213 & H0384.5110.3250.213

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$4,827
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 2 for Right of Way Acquisition funds and to extend the end date of the Agreement for PIN 8758.71 Old Hopewell Rd. (CR 28) @ All Angels Hill Road (CR 94) Intersection, Town of Wappinger Falls.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 08/07/15

SUPPLEMENTAL AGREEMENT NO 2 to D022362

This Supplemental Agreement is by and between:

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

And

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

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

X Amends a previously adopted Schedule A by:

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

Amends a previously adopted Schedule "B"

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

Amends the Text of the Agreement as follows:

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8758.71**

OSC Municipal Contract #: D022362 **Contract Start Date:** 7/19/2004 (mm/dd/yyyy) **Contract End Date:** 9/30/2019 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 2

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

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

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

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

Work Type: HWY INTERSECTION IMP **County (If different from Municipality):** Dutchess County

Marchiselli Eligible: Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: Old Hopewell Rd (CR 28) @ All Angels Hill Road (CR 94), Town of Wappinger Falls

MARCHISELLI Allocations Approved FOR ALL PHASES (To compute total costs in the last row and column, right click in each field and select Copy/Enter)

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$30,000.00	\$3,000.00	\$0.00	\$33,000.00
<input checked="" type="checkbox"/>	Current SFY: <u>15/16</u>	\$0.00	\$20,000.00	\$0.00	\$20,000.00
	Allocated/Allowed Date:	\$30,000.00	\$23,000.00	\$ 0.00	\$53,000.00

Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES (For each PIN/Local Share below, show current costs in the row indicated as "Current" and old costs from the previous schedule(s) in the row indicated as "Old". To compute total current costs in the last row, right click in the field and select Copy/Enter)

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8758.71.121	Current	CMAQ (80%)	\$200,000.00	\$160,000.00	\$30,000.00	\$10,000.00	\$0.00
	Old		\$200,000.00	\$160,000.00	\$30,000.00	\$10,000.00	\$0.00
8758.71.221	Current	CMAQ (80%)	\$20,000.00	\$16,000.00	\$3,000.00	\$1,000.00	\$0.00
	Old		\$20,000.00	\$16,000.00	\$3,000.00	\$1,000.00	\$0.00
8758.71.222	Current	STP (80%)	\$96,555.00	\$77,244.00	\$14,484.00	\$4,827.00	\$0.00
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$316,555.00	\$253,244.00	\$47,484.00	\$15,827.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects: \$0

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

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$253,244.00	\$47,484.00	\$0.00	\$15,827.00	\$316,555.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed): Name: Doreen Holsopple
Phone No: 845-431-6977

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

APPENDIX 2-S IRAN DIVESTMENT ACT

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

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

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

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

Public Works and Capital Projects Roll Call

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

Present: <u>9</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>9</u>	
Absent: <u>3</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015220 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.71) OLD HOPEWELL ROAD (CR 28)

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total: 23 0
 Yes No
 Abstentions: 0

2015220 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8758.71) OLD HOPEWELL ROAD (CR 28)

Date: September 16, 2015

RESOLUTION NO. 2015221

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.44) OLD HOPEWELL ROAD FROM US 9 TO CR 94

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON, SAGLIANO, WEISS, PERKINS, and FARLEY offer the following and move its adoption:

WHEREAS, a project for the Safety Improvements to Old Hopewell Road from US 9 to CR 94 in the Town of Wappinger, Dutchess County, PIN 8755.44 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition, now therefore be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of \$143,845 is hereby appropriated from Capital Project H0290.5110.3450.213 – 2000 Bridges (ISTEA/TEA21) and H0384.5110.3250.213 – 2007 Roads ISTEA and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess County Executive thereof, and it is further

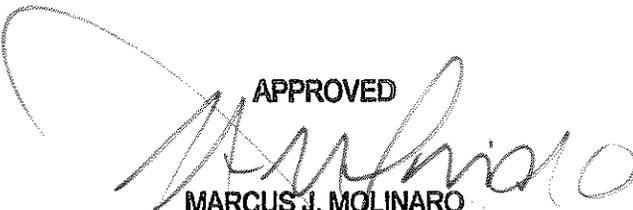
RESOLVED, that the County Executive be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Dutchess County with the New York State Department of Transportation in connection with the advancement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

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-140-15
CAB/kvh/R-0931
8/14/15
Fiscal Impact: See attached statement

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/17/2015

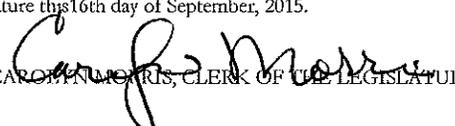
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.


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 \$ 143,845

Total Current Year Revenue \$ 136,653
and Source

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

Identify Line Items(s):

H0290.5110.3250.213 & H0384.5110.3250.213

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$7,192

Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 3 for Right of Way Acquisition funds and to extend the end date of the agreement from NYSDOT for PIN 8755.44 Old Hopewell Rd.: RT 9 to All Angels Hill Rd., Town of Wappinger.

Prepared by: Rosanne M. Hall

Prepared On: 08/07/2015

SUPPLEMENTAL AGREEMENT NO 3 to D022494

This Supplemental Agreement is by and between:

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

And

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

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

- X Amends a previously adopted Schedule A by:
 - amending a project description
 - X amending the contract end date
 - X amending the scheduled funding by:
 - X adding additional funding:
 - X adding **Right-of-Way Acquisition** phase which covers eligible costs incurred on/after _____
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - Increasing funding for a project phases(s)
 - adding a pln extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing a project phase(s)
 - other (xxxxx)
- Amends a previously adopted Schedule "B"
- X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act
- Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8755.44
BIN: n/a
Comptroller's Contract No: D022494
Supplemental Agreement No. 3
Date Prepared & By: 07/30/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

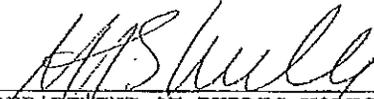
Print Name: _____

Print Name: _____

Title: _____

APPROVED AS TO CONTENT

Date: / /


DEPARTMENT OF PUBLIC WORKS

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

On this _____ day of _____, 2015 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on _____ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements

NYSDOT/ State-Local Agreement - Schedule A for PIN 8755.44

JSC Municipal Contract #: D022494 **Contract Start Date:** 11/9/2004 **Contract End Date:** 9/30/2010
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 3

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

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

<input checked="" type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

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

Work Type: HWY SAFETY **County (if different from Municipality):** Dutchess County

Marchiselli Eligible: Yes No *(Check, if Project Description has changed from last Schedule A):*
Project Description: Old Hopewell Road (CR 28): Route 9 - All Angels Hill Road, Town of Wappinger

MARCHISELLI Allocations Approved FOR ALL PHASES

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$34,500.00	\$1,500.00	\$0.00	\$36,000.00
<input checked="" type="checkbox"/>	Current SFY: <u>15/16</u>	\$0.00	\$34,000.00	\$0.00	\$34,000.00
	Authorized Allocations to Date	\$34,500.00	\$35,500.00	\$0.00	\$70,000.00

A Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES

PIN Fiscal Share	"Current" or "Old" entry Indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8755.44.121	Current	STP (90%)	\$460,000.00	\$414,000.00	\$34,500.00	\$11,500.00	\$0
	Old		\$460,000.00	\$414,000.00	\$34,500.00	\$11,500.00	\$0.00
8755.44.221 222	Current	STP (90%)	\$20,000.00	\$18,000.00	\$1,500.00	\$500.00	\$0.00
	Old		\$20,000.00	\$18,000.00	\$1,500.00	\$500.00	\$0.00
8755.44.223	Current	STP (80%)	\$143,845.00	\$115,076.00	\$21,577.00	\$7,192.00	\$0.00
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$623,845.00	\$547,076.00	\$57,577.00	\$19,192.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry Indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$547,076.00	\$57,577.00	\$0.00	\$19,192.00	\$623,845.00

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

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

APPENDIX 2-S IRAN DIVESTMENT ACT

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

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

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

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

Public Works and Capital Projects Roll Call

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

Present: <u>9</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>9</u>	
Absent: <u>3</u>	Motion: <input type="checkbox"/>	Yes: <u>0</u>	No: <u>0</u>
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015221 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.44) OLD HOPEWELL ROAD FROM US 9 TO CR 94

Date: September 8, 2015

Roll Call Sheets

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

Present:	<u>23</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>23</u>	<u>0</u>
Absent:	<u>2</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015221 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.44) OLD HOPEWELL ROAD FROM US 9 TO CR 94

Date: September 16, 2015

RESOLUTION NO. 2015222

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING
IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID
AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE
COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT,
AND APPROPRIATING FUNDS THEREFOR (PIN 8757.26)
MILL STREET, TIVOLI (CR 78)

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON SAGLIANO,
FARLEY, PERKINS, and STRAWINSKI offer the following and move its adoption:

WHEREAS, a project for Mill Street (CR 78) Bridge over Stony Creek (BIN
1047720) in the Village of Tivoli, Dutchess County PIN 8757.26 (the "Project") is eligible for
funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of
such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a
commitment of 100% of the non-federal share of the costs of right-of-way acquisition, now
therefore be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-
subject project; and it is hereby further

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

RESOLVED, that the sum of \$7,830 is hereby appropriated from Capital Project
H0289.5120.3450.213 – 2000 Bridges (ISTEA/TEA21) and made available to cover the cost of
participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the
project exceeds the amount appropriated above, the Dutchess County Legislature shall convene
as soon as possible to appropriate said excess amount immediately upon the notification by the
Dutchess County Executive thereof, and it is further

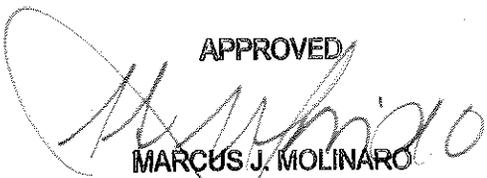
RESOLVED, that the County Executive be and he hereby is authorized to
execute all necessary agreements, certifications or reimbursement requests for Federal Aid
and/or applicable Marchiselli Aid on behalf of Dutchess County with the New York State
Department of Transportation in connection with the advancement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

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-141-15
CAB/kvh/R-0951
8/14/14
Fiscal Impact: See attached statement

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/23/2015

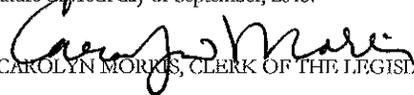
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 7,830

Total Current Year Revenue \$ 7,439
and Source

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

Identify Line Items(s):
H0289.6120.3450.213

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$391
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 2 for Right Way Acquisition funds and increase the Marchisell (State) aid for the Preliminary Engineering phase and to extend the end date from NYSDOT for PIN 8757.26 Mill Street (CR 78) over Stony Creek Bridge RH-25 (BIN 1047720) in the Village of Tivoli, Dutchess County.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 08/10/15

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8757.26
BIN: 1047720
Comptroller's Contract No: D024643
Supplemental Agreement No. 2
Date Prepared & By: 08/05/2015dh

SUPPLEMENTAL AGREEMENT NO 2 to D024643

This Supplemental Agreement is by and between:

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

And

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

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

- X Amends a previously adopted Schedule A by:
 - amending a project description
 - X amending the contract end date
 - X amending the scheduled funding by:
 - X adding additional funding:
 - X adding **right-of-way acquisition** phase which covers eligible costs incurred on/after _____
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - increasing funding for a project phases(s)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing a project phase(s)
 - other (xxxxx)
- Amends a previously adopted Schedule "B"
- X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act
- Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8757.26
BIN: 1047720
Comptroller's Contract No: D024643
Supplemental Agreement No. 2
Date Prepared & By: 08/05/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

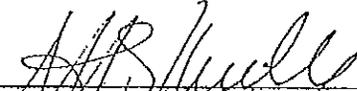
Print Name: _____

Print Name: _____

Title: _____

APPROVED AS TO CONTENT

Date: ____/____/____


DEPARTMENT OF PUBLIC WORKS

(103)

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

On this _____ day of _____, 2015 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on _____ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
Assistant Attorney General

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.26

JSC Municipal Contract #: D024643 **Contract Start Date:** 9/21/2005 (mm/dd/yyyy) **Contract End Date:** 9/30/2018 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 2

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

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

Municipality: _____ % of Cost share
 Municipality: _____ % of Cost share
 Municipality: _____ % of Cost share

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

Work Type: BR REHAB **County (If different from Municipality):** Dutchess County

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: Mill Street (CR 78)/Stony Creek - BIN 1047720 - Village of Tivoli, Dutchess County

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

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$25,000.00	\$1,500.00	\$0.00	\$26,500.00
<input checked="" type="checkbox"/>	Current SFY 15/16	\$8,000.00	\$6,000.00	\$0.00	\$14,000.00
Authorized Allocations to Date:		\$33,000.00	\$7,500.00	\$ 0.00	\$40,500.00

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

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.26.121	Current	HBRRP (80%)	\$220,000.00	\$176,000.00	\$33,000.00 *	\$11,000.00	\$0.00
	Old	HBRRP (80%)	\$220,000.00	\$176,000.00	\$25,000.00	\$19,000.00	\$0.00
8757.26.221 222.	Current	HBRRP (80%)	\$17,830.00	\$14,264.00	\$2,675.00	\$891.00	\$0.00
	Old	HBRRP (80%)	\$10,000.00	\$8,000.00	\$1,500.00	\$500.00	\$0.00
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$237,830.00	\$190,264.00	\$35,675.00	\$11,891.00	\$ 0.00

NYS DOT/State-Local Agreement – Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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

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

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$190,264.00	\$35,675.00	\$0.00	\$11,891.00	\$237,830.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>Doreen Holsopple</u> Phone No: <u>845-431-6977</u>
--	--

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

APPENDIX 2-S IRAN DIVESTMENT ACT

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

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

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

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

Public Works and Capital Projects Roll Call

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

Present: 9
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total: 9 0
 Yes No
 Abstentions: 0

2015222 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8757.26) MILL STREET, TIVOLI (CR 78)

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total : 23 0
 Yes No
 Abstentions: 0

2015222 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8757.26) MILL STREET, TIVOLI (CR 78)

Date: September 16, 2015

RESOLUTION NO. 2015223

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.91) HOLLOW ROAD (CR 14)

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON, KELSEY, SAGLIANO, PERKINS, and FARLEY offer the following and move its adoption:

WHEREAS, a project for Hollow Road (CR 14) over Little Wappinger Creek (BIN 3342820) in the Town of Clinton, Dutchess County, PIN 8755.91 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition, now therefore be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of \$42,120 is hereby appropriated from Capital Project H0289.5120.3450.213 – 2000 Bridges (ISTEA/TEA21) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess County Executive thereof, and it is further

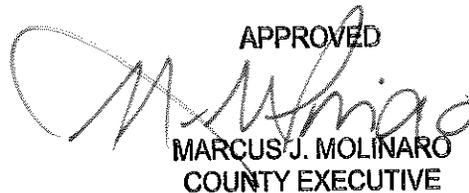
RESOLVED, that the County Executive be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Dutchess County with the New York State Department of Transportation in connection with the advancement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

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-142-15
CAB/kvh/R-0948
8/14/15
Fiscal Impact: See attached statement

APPROVED



MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/23/2015

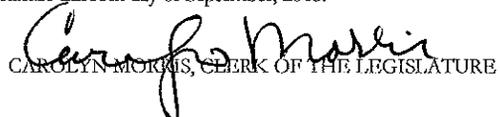
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.



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 \$ 42,120

Total Current Year Revenue \$ 40,014
and Source

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

Identify Line Items(s):
H0289.5120.3450.213

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$2,106
Over Five Years: _____

Additional Comments/Explanation:

This F.I.S. is related the resolution request to accept Supplemental Agreement # 2 for Right of Way Acquisition funds and to extend the end date of the Agreement from NYSDOT for PIN 8757.91 Hollow Road (CR 14) over Little Wappinger Creek Bridge C-19 (BIN 3342820) in the Town of Clinton.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 08/10/15

SUPPLEMENTAL AGREEMENT NO 2to D024642

This Supplemental Agreement is by and between:

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

And

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

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

- X Amends a previously adopted Schedule A by:
 - amending a project description
 - X amending the contract end date
 - X amending the scheduled funding by:
 - X adding additional funding:
 - X adding right-of-way acquisition phase which covers eligible costs incurred on/after _____
 - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
 - increasing funding for a project phases(s)
 - X adding a pin extension
 - change from Non-Marchiselll to Marchiselll
 - deleting/reducing a project phase(s)
 - other (xxxxx)
-
- Amends a previously adopted Schedule "B"
-
- X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act
-
- Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8755.91
BIN: 3342820
Comptroller's Contract No: D024642
Supplemental Agreement No. 2
Date Prepared & By: 08/07/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

APPROVED AS TO CONTENT

Date: ____/____/____


DEPARTMENT OF PUBLIC WORKS

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

(B)

On this _____ day of _____, 2015 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on _____ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

**SCHEDULE A -- Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 8755.91**

DSC Municipal Contract #: 0024642 **Contract Start Date:** 9/21/2005 (mm/dd/yyyy) **Contract End Date:** 9/30/2019 (mm/dd/yyyy)
 Check, if date changed from the last Schedule A

Purpose: Original Standard Agreement Supplemental Schedule A No. 2

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

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

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

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

Work Type: BR REPLACE **County (if different from Municipality):** Dutchess County

Marchiselli Eligible: Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: Hollow Road (CR 14) over Little Wappinger Creek (BIN 3342820) in the Town of Clinton

Marchiselli Allocations Approved FOR ALL PHASES: To compute Total Costs in the last row and column, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$37,500.00	\$3,000.00	\$0.00	\$40,500.00
<input checked="" type="checkbox"/>	Current SFY - 15/16	\$0.00	\$18,000.00	\$0.00	\$18,000.00
Authorized Allocations to Date:		\$37,500.00	\$21,000.00	\$ 0.00	\$58,500.00

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

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8755.91.121	Current	HBRRP (80%)	\$250,000.00	\$200,000.00	\$37,500.00	\$12,600.00	\$0.00
	Old	HBRRP (80%)	\$250,000.00	\$200,000.00	\$37,500.00	\$12,600.00	\$0.00
8755.91.221	Current	HBRRP (80%)	\$62,120.00	\$49,696.00	\$9,318.00	\$3,106.00	\$0.00
	Old	HBRRP (80%)	\$20,000.00	\$16,000.00	\$3,000.00	\$1,000.00	\$0.00
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$312,120.00	\$249,696.00	\$46,818.00	\$15,606.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry Indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$249,696.00	\$46,818.00	\$0.00	\$15,606.00	\$312,120.00

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

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

APPENDIX 2-S IRAN DIVESTMENT ACT

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

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

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

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

Public Works and Capital Projects Roll Call

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

Present: <u>9</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>9</u>	<u>0</u>
Absent: <u>3</u>	Motion: <u> </u>	Yes <u>0</u>	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015223 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.91) HOLLOW ROAD (CR 14)

Date: September 8, 2015

Roll Call Sheets

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

Present:	<u>23</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>23</u>	<u>0</u>
Absent:	<u>2</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015223 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8755.91) HOLLOW ROAD (CR 14)

Date: September 16, 2015

RESOLUTION NO. 2015224

RE: AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE AMENDMENT AGREEMENT IN CONNECTION WITH THE AGREEMENT BETWEEN THE COUNTY OF DUTCHESS AND THE KEYSTONE PROFESSIONAL BASEBALL CLUB, INC. D/B/A THE HUDSON VALLEY RENEGADES

Legislators HUTCHINGS, ROLISON, FLESLAND, BOLNER, BORCHERT, HORTON, SAGLIANO, THOMES, WEISS, INCORONATO, and FARLEY offer following and move its adoption:

WHEREAS, the County and the Keystone Professional Baseball Club, Inc. d/b/a the Hudson Valley Renegades (the Renegades) entered into an Agreement dated December 21, 2006 pursuant to Resolution No. 206248, and

WHEREAS, the Agreement outlines the rights and responsibilities of the parties with regard to the use of Dutchess Stadium, and

WHEREAS, the Renegades have made arrangements with the Fall Experimental Football League (FXFL) for the FXFL to play three (3) football games at Dutchess Stadium in the fall of 2015, and

WHEREAS, the County will receive additional rent from the Renegades in connection with the three (3) football games that will be played at Dutchess Stadium, and

WHEREAS, the use of Dutchess Stadium for the football games is likely to boost the County's tourism industry by bringing visitors to Dutchess County to watch the football games who might otherwise not visit Dutchess County, now therefore, be it

RESOLVED, that the County Executive is authorized to execute the Amendment Agreement between the County of Dutchess and the Keystone Professional Baseball Club, Inc. d/b/a the Hudson Valley Renegades in substantially the same form as annexed hereto.

CA-146-15
cab/G-1068-G
08/17/15

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

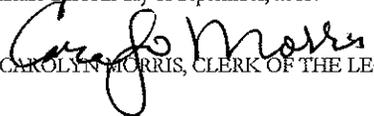
COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This amendment to the agreement between the County and Keystone Professional Baseball Club, Inc., (dba The Hudson Valley Renegades) will allow the county to receive additional revenue related to the use of Dutchess Stadium for FXFL events in 2015. These events will produce between \$1,000 and \$5,000 in additional rental revenue for the County at no additional cost to the County.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 8/18/2015

AMENDMENT AGREEMENT

THIS AGREEMENT, made this 14 day of August, 2015, by and between the COUNTY OF DUTCHESS, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the "COUNTY"), and the KEYSTONE PROFESSIONAL BASEBALL CLUB, INC, d/b/a The Hudson Valley Renegades a Florida corporation, having a principal place of business at Dutchess Stadium, 1500 Route 9D, Town of Fishkill, NY 12601 with a mailing address of P.O. Box 661, Fishkill, NY 12524 (hereinafter referred to as the "CLUB").

WITNESSETH:

WHEREAS, the parties hereto made and entered into an agreement dated December 21, 2006 (County Contract No. 07-0026-12/16-PW), which outlines the relationship between the County and Club with regard to the use of Dutchess Stadium (Stadium), and

WHEREAS, Article 6 of the Agreement allows the club to operate a professional baseball team at the Stadium and conduct or arrange for other events and activities at the Stadium, and

WHEREAS, the Club has the opportunity to host three (3) football games sponsored by the Fall Experimental Football League (FXFL) at the Stadium, and

WHEREAS, the County and Club wish to amend their Agreement to outline the conditions upon which the Stadium can be used for football games sponsored by the FXFL, as outlined below:

1. Article "4," entitled "Rent," is amended to add a new 4.3 which shall provide as follows:

The Club shall pay to the County additional rent in connection with the three (3) football games sponsored by FXFL. The additional rent is based on the cumulative attendance at all three (3) of the football games. The additional rent schedule is as follows:

- (a) If there are 1,500-3,499 paying attendees for the three (3) football games, the Club shall pay the County the sum of \$1,000.00.
- (b) If there are 3,500-4,499 paying attendees for the three (3) football games, the Club shall pay the County the sum of \$2,000.00.
- (c) If there are 4,500 or more paying attendees for the three (3) football games, the Club shall pay the County the sum of \$5,000.00.

The Club shall make the appropriate payment to the County on or before January 31, 2016.

2. Article "15," entitled "Alterations and Improvements", is amended to add a new 15.3 which will provide as follows:

The County shall not be responsible for any costs associated with the modification to the turf field or any other part of the Stadium in connection with the use of the Stadium for the football games sponsored by FXFL. In addition, the Club shall submit all plans for the modification (s) to the turf field and or Stadium to the Dutchess County Commissioner of Public Works for her review and approval at least thirty (30) days in advance of the date the Club or FXFL intend on making such modification(s).

The County shall be the owner of any of the modifications to the turf field or the Stadium upon the termination of the Agreement between the Club and FXFL or upon the termination of the Agreement between the County and the Club, whichever is sooner.

3. Article "17," entitled "Indemnification," shall be amended to include the following language:

The Club agrees to indemnify and hold the County harmless in connection with any damage that may be caused to the turf field or the Stadium in connection with the football games sponsored by FXFL.

4. All other terms and conditions of the underlying agreement, and any amendment thereto not expressly amended or altered by this agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

APPROVED AS TO FORM:

ACCEPTED : COUNTY OF DUTCHESS

County Attorney's Office

By _____
Marcus J. Molinaro
County Executive

APPROVED AS TO CONTENT:

KEYSTONE PROFESSIONAL BASEBALL CLUB, INC. D/B/A THE HUDSON VALLEY RENEGADES

Commissioner of Public Works

By _____

Print Name Eben M. Yager
Title SVP/gm

Public Works and Capital Projects Roll Call

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

Present: <u>9</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>9</u>	
Absent: <u>3</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015224 AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE AMENDMENT AGREEMENT IN CONNECTION WITH THE AGREEMENT BETWEEN THE COUNTY OF DUTCHESS AND THE KEYSTONE PROFESSIONAL BASEBALL CLUB, INC. D/B/A THE HUDSON VALLEY RENEGADES

Date: September 8, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	<i>absent</i>	
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District 4 - Town of Hyde Park	Ignaffo		
District 5 - Town of Poughkeepsie	Roman	<i>absent</i>	
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
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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	Kelsey		

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total: 23 0
 Yes No
 Abstentions: 0

2015224 AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE AMENDMENT AGREEMENT IN CONNECTION WITH THE AGREEMENT BETWEEN THE COUNTY OF DUTCHESS AND THE KEYSTONE PROFESSIONAL BASEBALL CLUB, INC. D/B/A THE HUDSON VALLEY RENEGADES

Date: September 16, 2015

RESOLUTION NO. 2015225

RE: URGING PASSAGE OF SENATE BILL S.4964A AND ASSEMBLY BILL A.8201 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Legislators ROLISON, FLESLAND, BOLNER, BORCHERT, HORTON, MICCIO, ROMAN, SURMAN, THOMES, WEISS, JETER-JACKSON, JOHNSON, and FARLEY offer the following and move its adoption:

WHEREAS, Senate bill S.4964A and Assembly bill A.8201 a concurrent resolution of the New York State Assembly and Senate proposing amendments to the New York State Vehicle and Traffic Law in relation to increasing the retention percentage collected for certain motor vehicle fees; and

WHEREAS, 51 of the 62 New York counties are mandated by the state to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law the State of New York takes 87.3 percent of all fees collected from the work performed by the county-operated DMVs despite the county providing all services, including overhead and staffing to fulfill its state-mandated obligations; and

WHEREAS, Dutchess County DMV brought in revenues of \$1,835,032 in 2014 and budgeted revenues of \$1,858,000 for fiscal year 2015; and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999 while Internet services continue to affect the amount of fee-based revenue available to county DMVs; and

WHEREAS, the Governor and State Legislature have stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with revenue to continue to provide necessary local government services; and

RESOLVED, that the Dutchess County Legislature hereby urges the New York State Senate and Assembly to approve Senate Bill S.4964.A and Assembly Bill A.8201; and, be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senators Sue Serino and Terrence P. Murphy and Assemblypersons Kevin A. Grady, Frank Skartados, Kieran Michael Lalor and Didi Barrett.

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

Date 9/23/2015

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 16th day of September, 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have herunto set my hand and seal of said Legislature this 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Passage of this measure would provide additional revenue to the County Clerk's Office for the provision of DMV services in Dutchess County. Earliest implementation would be April 1, 2016

Anticipated Savings to County: \$1,300,000

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

If adopted this proposal would increase county retention from 12.7% to 25%. This would compensate the County for the many no fee transactions we provide as well as information services to the public. If this were adopted for state fiscal year 2016-2017, the county would receive an additional \$1.3 million in 2016 and \$1.8 million annually thereafter.

Prepared by: Bradford Kendall, County Clerk

Prepared On: August 31, 2015

A08201 Summary:

BILL NO A08201

SAME AS SAME AS

SPONSOR Brindisi

COSPNSR Goodell, Giglio, Lupardo

MLTSPNSR Katz

Amd S205, V & T L

Relates to increasing the retention percentage for certain motor vehicle service fees.

A08201 Text:

S T A T E O F N E W Y O R K

8201

2015-2016 Regular Sessions

I N A S S E M B L Y

June 11, 2015

Introduced by M. of A. BRINDISI -- read once and referred to the tee on Transportation

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

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

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehic
2 traffic law, subdivision 3 as amended by section 3 of part G of
3 59 of the laws of 2008 and subdivision 3-a as added by section 1
4 F of chapter 58 of the laws of 2012, are amended to read as follc
5 3. Each such county clerk shall retain from fees collected f
6 motor vehicle related service described in subdivision one
7 section processed by such county clerk an amount based on a per
8 of gross receipts collected. For purposes of this section, t
9 "gross receipts" shall include all fines, fees and penalties cc
10 pursuant to this chapter by a county clerk acting as agent

11 commissioner, but shall not include any state or local sales or
 12 sating use taxes imposed under or pursuant to the authority of a
 13 twenty-eight and twenty-nine of the tax law and collected by such
 14 on behalf of the commissioner of taxation and finance. The re
 15 percentage shall be [12.7] TWENTY-FIVE percent and shall take
 16 [April] JANUARY first, [nineteen hundred ninety-nine] TWO T
 17 SIXTEEN; provided, however, the retention percentage shall be [
 18 SIXTY percent of the thirty dollar fee established in paragraph
 19 subdivision two of section four hundred ninety-one and paragraph
 20 of subdivision two of section five hundred three of this chapter.
 21 3-a. In addition to the fees retained pursuant to subdivision t
 22 this section, each county clerk acting as the agent of the commi
 23 pursuant to subdivision one of this section shall retain [four]
 24 percent of "enhanced internet and electronic partner revenue" cc

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

LBD103

A. 8201

2

1 by the commissioner. For the purposes of this subdivision, "e
 2 internet and electronic partner revenue" shall mean the amount c
 3 receipts attributable to all transactions conducted on the inter
 4 residents of such county and by designated partners of the depart
 5 behalf of such residents for the current calendar year that exce
 6 amount of such revenue collected by the commissioner during c
 7 year two thousand eleven. The commissioner shall certify the amc
 8 be retained by each county clerk pursuant to this subdi
 9 [Provided, however, that if the aggregate amount of fees reta
 10 county clerks pursuant to this subdivision in calendar years twc
 11 sand twelve and two thousand thirteen combined exceeds eight
 12 million five hundred thousand dollars, then the percentage of fee
 13 retained thereafter shall be reduced to a percentage that, if app
 14 the fees collected during calendar years two thousand twelve a
 15 thousand thirteen combined, would have resulted in an ag
 16 retention of eighty-eight million five hundred thousand dollars
 17 percent of enhanced internet and electronic partner revenue, wh
 18 is higher. If the aggregate amount of fees retained by county
 19 pursuant to this subdivision in calendar years two thousand twe
 20 two thousand thirteen combined is less than eighty-eight millic
 21 hundred thousand dollars, then the percentage of fees to be r
 22 thereafter shall be increased to a percentage that, if applied
 23 fees collected during calendar years two thousand twelve and tw
 24 sand thirteen combined, would have resulted in an aggregate reter
 25 eighty-eight million five hundred thousand dollars, or six perc
 26 enhanced internet and electronic partner revenue, whichever is l
 27 and after April first, two thousand sixteen, the percent of e
 28 internet and electronic partner revenue to be retained by county
 29 shall be the average of the annual percentages that were in
 30 between April first, two thousand twelve and March thirty-fir
 31 thousand sixteen.]

32 S 2. This act shall take effect on the first of January next s
33 ing the date on which it shall have become a law.

S T A T E O F N E W Y O R K

4964--A

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
17 SIXTEEN; 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

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

LBD10317-02-5

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

34 S 2. This act shall take effect on the first of January next succeed-
35 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 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 12 - Town of East Fishkill	Weiss (VC)	<i>absent</i>	
District 14 - Town of Wappinger	Amparo	<i>absent</i>	
District 17 - Town and Village of Fishkill	Miccio		
District 20 - Town of Red Hook	Strawinski		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman (C)		

Present: 9
 Absent: 3
 Vacant: 0

Resolution:
 Motion:

Total : 9 0
 Yes No
 Abstentions: 0

2015225 URGING PASSAGE OF SENATE BILL S.4964A AND ASSEMBLY BILL A.8201 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Date: September 8, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	<i>absent</i>	
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District 4 - Town of Hyde Park	Ignaffo		
District 5 - Town of Poughkeepsie	Roman	<i>absent</i>	
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District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total : 23 0
 Yes No
 Abstentions: 0

2015225 URGING PASSAGE OF SENATE BILL S.4964A AND ASSEMBLY BILL A.8201 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Date: September 16, 2015

RESOLUTION NO. 2015226

RE: AUTHORIZING AMENDMENT OF FUNDING UNDER THE
WORKFORCE INNOVATION & OPPORTUNITY ACT

Legislators BORCHERT, ROLISON, FLESLAND, BOLNER, HORTON, ROMAN, SAGLIANO, WEISS, FARLEY, PERKINS, JOHNSON, and STRAWINSKI offer the following and moves its adoption:

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

WHEREAS, the New York State Department of Labor has provided allocations to Dutchess County for the operation of PY 2015 Title 1B WIOA Adult funding for the period of July 1, 2015 through June 30, 2017, and PY 2015 Title 1B WIOA Dislocated Worker funding for the period of July 1, 2015 through June 30, 2017 and PY 2015 Title 1B WIOA Admin funding for the period of July 1, 2015 through June 30, 2017, now, therefore be it

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

APPROPRIATIONS Increase (Decrease)**2015**

CD6292.2015.4841	T-1B WIOA Adult	\$ 42,792
CD6292.2015.4842	T-1B WIOA Dislocated Worker	\$ 125,887
CD6292.2015.4844	T-1B WIOA Admin	\$ 18,742
		<u>\$ 187,421</u>

REVENUES Increase (Decrease)

2015

CD6292.2015.47910.41	T-1B WIOA Adult	\$ 42,792
CD6292.2015.47910.42	T-1B WIOA Dislocated Worker	\$ 125,887
CD6292.2015.47910.44	T-1B WIOA Admin	\$ 18,742
		<u>\$ 187,421</u>

CA-137-15
CRC/LK/kvh 8/13/15
G-1263
Fiscal Impact: attached

STATE OF NEW YORK

COUNTY OF DUTCHESS

ss:

APPROVED

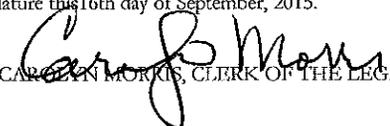

 MARCUS J. MOLINARO
 COUNTY EXECUTIVE

Date

9/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


 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 \$ 187,421

Total Current Year Revenue \$ 187,421
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Laraine Kautz, Executive Director

Prepared On: 8/13/15

Budget, Finance, and Personnel Committee Roll Call

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

Present: _____
 Absent: _____
 Vacant: _____

Resolution: _____
 Motion: _____

Total : _____
 Yes No
 Abstentions: _____

2015226 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INNOVATION & OPPORTUNITY ACT

Date: September 8, 2015

Roll Call Sheets

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

Present:	<u>23</u>	Resolution:	<input checked="" type="checkbox"/>	Total :	<u>23</u>	<u>0</u>
Absent:	<u>2</u>	Motion:	<input type="checkbox"/>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015226 AUTHORIZING AMENDMENT OF FUNDING UNDER THE WORKFORCE INNOVATION & OPPORTUNITY ACT

Date: September 16, 2015

RESOLUTION NO. 2015227

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

Legislators BORCHERT, ROLISON, FLESLAND, BOLNER, HORTON, ROMAN, SAGLIANO, THOMES, FARLEY, PERKINS, JOHNSON, and STRAWINSKI offer the following and move its adoption:

WHEREAS, as a result of the County's participation in Community Development Block Grant Programs pursuant to the Housing and Community Development Act, the U.S. Department of Housing and Urban Development has notified the County that funding is available to the County under the HOME Investment Partnership Program, and

WHEREAS, pursuant to the Act, the County receives funding under the HOME Investment Partnership Program to provide assistance for the construction of affordable housing for low and moderate income individuals in participating jurisdictions, and

WHEREAS, Dutchess County's 2015 HOME Investment Partnership allocation has been established at \$644,860, now therefore, be it

RESOLVED, that the County Executive is hereby authorized to execute any and all necessary Grant Agreements in connection with the information set forth below, and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to establish a Community Development account for this Program as follows:

APPROPRIATIONS

Increase

CD8692.4402.4404	Grants to Coop Municipalities HOME Program 2015	<u>\$644,860</u>
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REVENUES

Increase

CD8692.49100.02	CD Act. HOME Program 2015	<u>\$644,860</u>
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CA-135-15 AMS/sc/G-179 8/12/15 Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

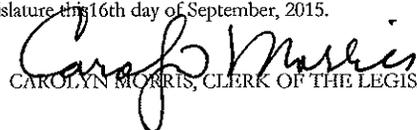
COUNTY OF DUTCHESS

APPROVED \$644,860

MARCUS J. MOLINARO
COUNTY EXECUTIVE

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said legislature on the 16th day of September, 2015, 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 16th day of September, 2015.


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 \$ 644,860

Total Current Year Revenue \$ 644,860
and Source

2015 Federal HOME Investment Partnership Program

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

Identify Line Items(s):

CD.8692.4402.4404

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This resolution will authorize the County Executive to execute the grant agreements and enable the Finance Department to accept \$644,860 for the 2015 Federal HOME Investment Partnership Program.

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

NY-FY15 Allocations

KEY	CNSRTKEY	NAME	STA	CDBG15	HOME15	ESG15
360040		Albany	NY	\$3,074,971	\$612,730	\$280,962
360152	36C103	Amherst Town	NY	\$472,599	\$606,061	\$0
360300		Auburn	NY	\$828,921	\$0	\$0
360352		Babylon Town	NY	\$861,428	\$294,220	\$0
360556		Binghamton	NY	\$1,743,852	\$352,053	\$158,352
360784		Buffalo	NY	\$12,635,721	\$2,398,152	\$1,159,066
361152		Cheektowaga Town	NY	\$916,326	\$0	\$0
361256		Clay Town	NY	\$187,894	\$0	\$0
361380		Colonie Town	NY	\$326,087	\$0	\$0
361756		Dunkirk	NY	\$388,047	\$0	\$0
362000		Elmira	NY	\$1,067,918	\$222,636	\$0
362480		Glen Falls	NY	\$453,012	\$0	\$0
362572		Greece	NY	\$402,884	\$0	\$0
362688		Hamburg Town	NY	\$376,566	\$0	\$0
363088		Huntington Town	NY	\$729,255	\$0	\$0
363140		Irondequoit	NY	\$819,052	\$0	\$0
363160		Islip Town	NY	\$1,571,544	\$427,728	\$140,714
363168		Ithaca	NY	\$671,646	\$368,661	\$0
363180		Jamestown	NY	\$1,052,851	\$246,960	\$0
363300		Kingston	NY	\$679,013	\$0	\$0
364004		Middletown	NY	\$592,630	\$0	\$0
364212		Mount Vernon	NY	\$1,542,765	\$359,518	\$0
364320		Newburgh	NY	\$897,034	\$0	\$0
364408		New Rochelle	NY	\$1,525,852	\$306,189	\$0
364436		New York	NY	\$153,438,038	\$52,128,435	\$13,600,063
364448		Niagara Falls	NY	\$2,241,544	\$317,911	\$199,375
365312		Poughkeepsie	NY	\$809,914	\$0	\$0
365544		Rochester	NY	\$7,791,818	\$1,758,789	\$709,872
365572		Rome	NY	\$906,502	\$0	\$0
365800		Saratoga Springs	NY	\$342,430	\$0	\$0
365848	36C009	Schenectady	NY	\$2,064,964	\$831,448	\$186,609
366376		Syracuse	NY	\$4,603,746	\$1,051,124	\$425,827
366468		Tonawanda Town	NY	\$1,511,168	\$0	\$135,310
366500		Troy	NY	\$1,651,237	\$0	\$149,160
366588		Union Town	NY	\$1,091,175	\$0	\$0
366612		Utica	NY	\$2,171,458	\$479,648	\$197,507
366848		Watertown city	NY	\$784,662	\$0	\$0
367024		West Seneca	NY	\$267,504	\$0	\$0
367096		White Plains	NY	\$915,692	\$0	\$0
367260		Yonkers	NY	\$3,579,917	\$904,245	\$280,723
369027	36C301	Dutchess County	NY	\$1,322,123	\$644,860	\$0
369029	36C006	Erie County	NY	\$2,417,793	\$591,737	\$215,143
369055	36C007	Monroe County	NY	\$1,663,302	\$811,754	\$147,425
369059		Nassau County	NY	\$12,737,711	\$1,696,597	\$1,142,545

Budget, Finance, and Personnel Committee Roll Call

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

Present: _____
 Absent: _____
 Vacant: _____

Resolution: _____
 Motion: _____

Total : _____
 Yes No
 Abstentions: _____

2015227 AUTHORIZING COUNTY EXECUTIVE TO EXECUTE THE GRANT AGREEMENTS AND THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total: 23 0
 Yes No
 Abstentions: 0

2015227 AUTHORIZING COUNTY EXECUTIVE TO EXECUTE THE GRANT AGREEMENTS AND THE FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY UNDER THE FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM

Date: September 16, 2015

RESOLUTION NO. 2015228

RE: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE GRANT AGREEMENTS AND FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY, AS AN URBAN COUNTY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDGB) PROGRAM FOR 2015

Legislators BORCHERT, ROLISON, FLESLAND, BOLNER, HORTON, KELSEY, ROMAN, SAGLIANO, THOMES, WEISS, FARLEY, PERKINS, JOHNSON, and STRAWINSKI offer the following and move its adoption:

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

WHEREAS, the application for 2015 was accepted and approved by the U.S. Department of Housing and Urban Development in the amount of \$1,322,123, and

WHEREAS, for internal control it is necessary to assign a Community Development account to receive and disburse the 2015 funds, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized to execute any and all necessary Grant Agreements in connection with the information set forth below, and be it further

RESOLVED, that the Commissioner of Finance is hereby authorized and directed to establish a Community Development account for the 2015 Community Development Block Grant (CDBG) as follows:

COMMUNITY DEVELOPMENT BLOCK GRANT
2015 FUNDING ALLOCATIONS

INCREASE	MUNICIPALITY AND PROJECT	AMOUNT
CD8662.2700.2000	TOWN OF AMENIA Downtown Sidewalk Improvements to Beekman Park	\$150,000.00
CD8670.2700.2800	TOWN OF EAST FISHKILL ADA Handicapped Accessible Playground-Phase II	\$100,000.00
CD8670.2700.4889	TOWN OF RED HOOK Town Hall ADA Handicapped Access Improvements	\$99,400.00
CD8670.2700.3801	VILLAGE OF MILLERTON and TOWN OF NORTH EAST North East-Millerton Library ADA Handicapped Access Imp.	\$28,535.00

CD8670.2700.4001	VILLAGE OF PAWLING Haight Street ADA Handicapped Access Sidewalk Improvements	\$66,000.00
CD8670.2700.4801	VILLAGE OF RED HOOK Firehouse ADA Handicapped Access Improvements	\$52,000.00
CD8662.2700.5601	VILLAGE OF WAPPINGERS FALLS, TOWNS OF WAPPINGERS AND POUGHKEEPSIE Lower Wappinger Creek Community Boathouse	\$244,453.00
	Municipality Subtotal	\$740,388.00
CD8662.2700.0200	CITY OF BEACON Rombout Avenue Road Reconstruction-Teller to South Chestnut	\$158,655.00
	Beacon Subtotal	\$158,655.00
	MUNICIPAL FUNDING TOTAL	\$899,043.00

INCREASE	HUMAN SERVICE AGENCY AND PROJECT	AMOUNT
CD8676.4400.4453	CATHOLIC CHARITIES COMMUNITY SERVICES Homeless Prevention Case Management Program	\$25,000.00
CD8676.4400.4407	CHILD ABUSE PREVENTION CENTER Teen Parenting Program Expansion	\$8,656.00
CD8676.4400.4451	FRIENDS OF SENIORS OF DC CORP. Senior Transportation and Support Services	\$25,000.00
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. Homeless Supportive Services (Gannett and AHEP)	\$25,000.00
CD8676.4400.4425	HUDSON RIVER HOUSING, INC. River Haven Homeless Youth Program	\$25,000.00
CD8676.4400.4645	MID HUDSON ADDICTION RECOVERY CENTER Substance Abuse Residential Recovery Services	\$25,000.00
CD 8676.4400.4658	NORTH EAST COMMUNITY COUNCIL Youth Development: Teen Team and CPSB	\$25,000.00
	HUMAN SERVICES TOTAL	\$158,656.00

INCREASE	ADMINISTRATION	AMOUNT
CD8686.4408.1313	DUTCHESS COUNTY -- ADMINISTRATION	\$264,424.00
	ADMINISTRATION TOTAL	\$264,424.00
	TOTAL	\$1,322,123.00

INCREASE	REVENUE	AMOUNT
CD8670.49100.01		\$345,935.00
CD8662.49100.01		\$553,108.00
CD8668.49100.01		\$0.00

CD8676.49100.01
CD8686.49100.01
CD8687.49100.01

\$158,656.00
\$264,424.00
\$0.00

TOTAL \$1,322,123.00

CA-134-15
ams/sc/G-0179
8/12/15

Fiscal Impact: See attached statement

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


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 \$ 1,322,123

Total Current Year Revenue \$ 1,322,123
and Source

2015 Community Development Block Grant Program (CDBG).

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

Identify Line Items(s):
See Attached Detail.

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

This resolution will authorize the County Executive to execute the grant agreements and enable the Finance Department to accept \$1,322,123 for the 2015 Community Development Block Grant Program.

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

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total : 23 0
 Yes No
 Abstentions: 0

2015228 AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE GRANT AGREEMENTS AND FINANCE DEPARTMENT TO RECEIVE AND DISBURSE FUNDS ALLOCATED TO DUTCHESS COUNTY, AS AN URBAN COUNTY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDGB) PROGRAM FOR 2015

Date: September 16, 2015

RESOLUTION NO. 2015229

RE: QUIT CLAIM A SECTION OF SURPLUS COUNTY PROPERTY LOCATED AT OLD COUNTY ROUTE 68, OLD HURDS CORNERS ROAD, (NOW NEW COUNTY ROUTE 68, NORTH QUAKER HILL ROAD & STRAWBERRY HILL ROAD) TO DAVID E. DANIELS, TRUSTEE OF THE GWENETH M. WILLIAMS REVOCABLE TRUST

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

WHEREAS, the County maintained Old Hurds Corners Road, County Route 68, until approximately 1940 when it constructed a new county road, now known as North Quaker Hill Road, County Route 68, in the Town of Pawling, and

WHEREAS, once the construction of the new county road, North Quaker Hill Road, County Route 68, the County stopped using the former Old Hurds Corners Road, County Route 68, and

WHEREAS, the Department of Public Works (DPW) was contacted by the legal representatives of David E. Daniels, Trustee of the Gweneth E. Williams Revocable Trust, the adjacent property owner to the former Old Hurds Corners Road, County Route 68, and advised DPW that a survey indicated that there were several encroachments from its property on the former County Route 68, and

WHEREAS, the legal representatives of the adjacent property owner further advised DPW that these encroachments needed to be cleared up in order to sell the property, and

WHEREAS, the legal representatives requested that the County quit claim that section of Old Hurds Corners Road, County Route 68, to the adjacent property owner in order to clear up the encroachments, and

WHEREAS, the Dutchess County Commissioner of Public Works does certify to the Dutchess County Legislature as County Superintendent of Highways pursuant to Section 118-a of the Highway Law, that there is no further use for highway purposes of that portion of the former Dutchess County highway described on the attachment hereto, said portion of highway being a portion of Old Hurds Corners Road, County Route 68, in the Town of Pawling, and

WHEREAS, the Department of Public Works has determined that (1)the action to abandon the subject parcel to the abutting owner constitutes a Type II Action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA") and (2) will not have a significant effect on the environment, and

WHEREAS, the Dutchess County Commissioner of Public Works, pursuant to statute, has recommended that the same .0825 +/- acre parcel be quit claimed to the abutting owner, David E. Daniels as Trustee of the Gweneth M. Williams Revocable Trust, for no consideration, and

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works to quit claim that the section of Old Hurds Corners Road, County Route 68, in the Town of Pawling, consisting of 0.825± acres, and determined to be of no further use for highway purposes and will not have a significant effect on the environment, and be it further

RESOLVED, that the section of Old Hurds Corners Road, County Route 68, in the Town of Pawling, as described in the attachment hereto, be and the same hereby is abandoned by the County of Dutchess, and be it further

RESOLVED, that the Chairman of the Dutchess County Legislature is hereby authorized and directed, on behalf of the County of Dutchess, to execute, pursuant to Section 118-a of the New York State Highway Law, a quitclaim deed conveying to David E. Daniels as Trustee of the Gweneth M. Williams Revocable Trust, those premises described in the attachment hereto.

CA-143-15

CAB/kvh R-0960

8/20/15

Fiscal Impact: See attached statement.

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 9/23/2015

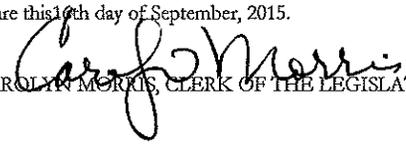
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

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

Additional Comments/Explanation:

Prepared by: Robert H. Balkind

Prepared On: 08/20/15

SCHEDULE A
DESCRIPTION

ROAD PARCEL:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying and being in the Town of Pawling, County of Dutchess and State of New York, across the old road and north of the parcel first above herein described, bounded and described as follows:

BEGINNING at a stone monument set in the northerly line of the old county road from Hurds Corner to North Quaker Hill, said point being the southwesterly corner of lands now or formerly of Kelley and the southeasterly corner of lands now or formerly of Williams;

Running thence along the northerly line of said road, also being the southerly line of said lands now or formerly of Williams, the following four (4) courses and distances:

- (1) North 73° 25' 00" West 176.14 feet;
- (2) North 74° 53' 50" West 287.40 feet;
- (3) North 86° 41' 11" West 155.19 feet; and
- (4) South 86° 52' 20" West 130.85 feet to the southerly line of North Quaker Hill Road, (C.R. 68);

Thence along the same, South 65° 55' 20" West 153.83 feet to a point on the southerly line of said old county road from Hurds Corner to North Quaker Hill;

Thence along the southerly line of said last mentioned road, also being the northerly line of other lands now or formerly of Williams, the following two (2) courses and distances:

- (1) North 85° 32' 06" East 269.75 feet; and
- (2) South 80° 09' 40" East 336.11 feet to a point, said point being the northeasterly corner of said other lands now or formerly of Williams and the northwesterly corner of lands shown on Map of Strawberry Hill, filed 10/26/1981 as Map No. 6238;

Thence North 14° 41' 00" East 24.32 feet to a point in the center of said old county road;

Thence running through the center of said old county road, the following two (2) courses and distances:

- (1) South 75° 08' 00" East 94.51 feet; and
- (2) South 74° 34' 23" East 175.62 feet to a point;

Thence North 15° 25' 37" East 20.38 feet to the point or place of BEGINNING.

Budget, Finance, and Personnel Committee Roll Call

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

Present: _____
 Absent: _____
 Vacant: _____

Resolution: _____
 Motion: _____

Total : _____
 Yes No
 Abstentions: _____

2015229 QUIT CLAIM A SECTION OF SURPLUS COUNTY PROPERTY LOCATED AT OLD COUNTY ROUTE 68, OLD HURDS CORNERS ROAD, (NOW NEW COUNTY ROUTE 68, NORTH QUAKER HILL ROAD & STRAWBERRY HILL ROAD) TO DAVID E. DANIELS, TRUSTEE OF THE GWENETH M. WILLIAMS REVOCABLE TRUST

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

Resolution:
 Motion:

Total : 23 0
 Yes No
 Abstentions: 0

2015229 QUIT CLAIM A SECTION OF SURPLUS COUNTY PROPERTY LOCATED AT OLD COUNTY ROUTE 68, OLD HURDS CORNERS ROAD, (NOW NEW COUNTY ROUTE 68, NORTH QUAKER HILL ROAD & STRAWBERRY HILL ROAD) TO DAVID E. DANIELS, TRUSTEE OF THE GWENETH M. WILLIAMS REVOCABLE TRUST

Date: September 16, 2015

RESOLUTION NO. 2015230

RE: ERRONEOUS TAXES, TOWN OF LAGRANGE
ASSESSED TO: CHORNEY, HELEN B.
GRID NUMBER: 133400-6460-01-425965-0000

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

WHEREAS, the Receiver of Taxes of the Town of LaGrange has returned unpaid to this office County, Town, and Special District Taxes based on the 2013 tax roll against grid number 133400-6460-01-425965-0000, and

WHEREAS, the Real Property Tax Service Agency has determined that the assessment is erroneous due to the property having been acquired by the State of New York on June 14, 2013, subsequent to taxable status date and prior to the levy of taxes and should be exempt, and

WHEREAS, pursuant to Section 558 of the Real Property Tax Law, due to the erroneous assessment, the lien of said taxes is rendered unenforceable; now therefore, be it

RESOLVED, that the Commissioner of Finance be and she is hereby authorized, empowered, and directed to cancel and charge back the erroneous taxes as follows:

A342	Allow. For Uncollect. Taxes	\$30.47
A430	Town of LaGrange	2.28
A430	LaGrange Fire District	.29
A430	Town Centr. Water Imp.	.15

TOTAL: \$33.19

and be it further,

RESOLVED, that the County Clerk is hereby authorized, empowered, and directed to make the necessary changes in his office to correct the filing of said liens.

CA-136-15
CM/djw 8/12/15
Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

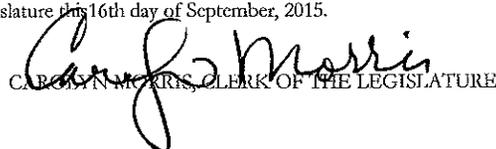
Date 8/23/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

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

Present: _____
 Absent: _____
 Vacant: _____

Resolution: _____
 Motion: _____

Total : _____
 Yes No
 Abstentions: _____

2015230 ERRONEOUS TAXES, TOWN OF LAGRANGEASSESSED TO:
 CHORNEY, HELEN B.

Date: September 8, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	<i>absent</i>	
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery		
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District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo		
District 5 - Town of Poughkeepsie	Roman	<i>absent</i>	
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
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District 20 - Town of Red Hook	Strawinski		
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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	Kelsey		

Present: 23

Absent: 0

Vacant: 0

Resolution:

Motion:

Total: 23 0

Yes No

Abstentions: 0

**2015230 ERRONEOUS TAXES, TOWN OF LAGRANGEASSESSED TO:
CHORNEY, HELEN B.**

Date: September 16, 2015

RESOLUTION NO. 2015233

RE: EXTENSION OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

WHEREAS, this Legislature enacted Resolution No. 598 of 1975 imposing sales and compensating use taxes on certain tangible personal property and certain services pursuant to Article 29 of the Tax Law of the State of New York, and

WHEREAS, said Resolution was amended by Resolution No. 40 of 1981, Resolution No. 472 of 1989, Resolution No. 46 of 1995, and Resolution No. 360 of 2002, Resolution 203045, Resolution 205225, Resolution 207259, Resolution 209303, Resolution 2011197 and Resolution 2013265; and

WHEREAS, the State Legislature previously passed legislation which was signed into law as Chapter 8 of Laws of 2003, which permitted Dutchess County to increase the sales tax rate as authorized from 3% to 3 3/4%, with such additional 3/4 of 1% to be used for County purposes and has passed new legislation which has been signed into law as Chapter 215 of the Laws 2015 which authorizes an extension of such additional tax through November 30, 2017; and

WHEREAS, the 2015 Adopted County Budget anticipates revenues from the extended authorization of the increased sales tax; and

WHEREAS, this Legislature has determined that the continued increase in sales tax for the County of Dutchess will provide the necessary revenues for the County to stabilize taxes which is in the best interest of the taxpayers and residents of Dutchess County.

Be it enacted by the Legislature of the County of Dutchess, as follows:

SECTION 1. Section 4-A of Resolution No. 598 of 1975, enacted by the Legislature of the County of Dutchess on December 9, 1975, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2003, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (B) of Subdivision (1) of section 11 of Resolution No. 598 of 1975, enacted by the Legislature of the County of Dutchess on December 9, 1975, imposing sales and use taxes, is amended to read as follows:

(1)(A) With respect to the additional tax of three-quarters of one percent imposed for the period beginning June 1, 2003, and ending November 30, 2017, in respect to the use of property used by the purchaser in this city prior to June 1, 2003.

SECTION 3. Subdivision (b) of Section 14 of Resolution No. 598 of 1975, enacted by the Legislature of the County of Dutchess on December 9, 1975, imposing sales and use taxes, is amended to read as follows:

(a) One Hundred percent (100%) of such monies shall be set aside for County purposes and shall be available for any County purpose.

(b) Notwithstanding subdivision (a) of this section, net collections from such taxes, including the additional three-quarters of one percent rate imposed for the period beginning December 1, 2013 and ending November 30, 2017, shall be disposed of in accordance with the Tax Law § 1262 (c) and Sales Tax distribution agreement entered into by the County and the Cities of Poughkeepsie and Beacon for the period March 1, 2013, through March 1, 2023, and approved by the State Comptroller pursuant to section 1262(c) of the Tax Law, during the period that such agreement is in effect.

SECTION 4. This enactment shall take effect on December 1, 2015.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 9/13/2015

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE



**Department of
Taxation and Finance**

OFFICE OF COUNSEL

November 24, 2015

Carolyn Morris
Clerk of the County Legislature
22 Market Street
Poughkeepsie, NY 12601

Sent by electronic mail to
Carolyn Morris

Re: Local Resolution No. 2015233
Our File No. L-23427

Dear Ms. Morris:

I acknowledge receipt of a certified copy of Local Resolution No. 2015233, which you sent to the Commissioner of Taxation and Finance at his office in Albany by certified mail on September 25, 2015. This enactment extends the county's additional 3/4 percent rate of sales and compensating use taxes for the period December 1, 2015, through November 30, 2017, and has been drafted and mailed in accordance with applicable provisions of law.

Commissioner Boone signed a resolution waiving and reducing the minimum 90 day notice requirement to a period of not less than 30 days, pursuant to section 1210(d) of the Tax Law, so that this enactment can take effect December 1, 2015.

Pursuant to Tax Law § 1210(e), the county must also file certified copies of the enactment with the Dutchess County Clerk, the Secretary of State and the State Comptroller.

Very truly yours,

AMANDA HILLER
Deputy Commissioner and Counsel

By: _____ /s/
ADAM ROBERTS
Senior Attorney

cc: Anthony J. Dolan, Office of the State Comptroller

bcc: Drummond, Fiorello, Ladouceur, Liebman, Macura, Parada

Budget, Finance, and Personnel Committee Roll Call

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

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

2015233 EXTENSION OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Date: September 8, 2015

Roll Call Sheets

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

Present: 23
 Absent: 2
 Vacant: 0

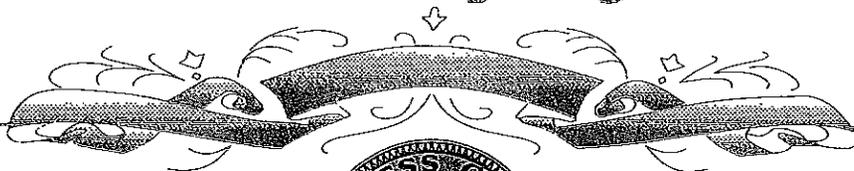
Resolution: ✓
 Motion:

Total : 22 1
 Yes No
 Abstentions: 0

2015233 EXTENSION OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Date: September 16, 2015

Dutchess County Legislature



COMMENDATION: COMMUNITY VOICES HEARD (CVH)

Legislator AMPARO offers the following and moves its adoption:

WHEREAS, the Dutchess County Legislature seeks to acknowledge the contributions of individuals and groups that enhance the quality of life in Dutchess County, and

WHEREAS, Community Voices Heard (CVH) was created in 1994 by a group of people, mostly women, some homeless, many on-welfare, and plenty who were unemployed, who came together so that their voices might be heard, and

WHEREAS, Community Voices Heard (CVH) will be celebrating its 20th Anniversary and will be celebrating this milestone at its annual Shirley Chisholm Lights of Freedom Award event, and

WHEREAS, Community Voices Heard (CVH) is a member-led multi-racial organization, principally women of color, and low-income families in New York State that builds power to secure social, economic, and racial justice for all, and

WHEREAS, Community Voices Heard (CVH) accomplishes their work through grassroots organizing, leadership development, policy changes, and creating new models of direct democracy, and

WHEREAS, Community Voices Heard (CVH) is currently working on welfare reform, job creation, public housing, and other economic justice issues that affect low-income people, particularly low-income women of color, and

WHEREAS, Community Voices Heard (CVH), since its founding in 1994, has continually won concrete improvements for low income communities and has been recognized by the North Star Fund and the National Center for Law & Economic Justice and many other organizations, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby recognize Community Voices Heard (CVH) for its contributions that improve the quality of life for many county and state residents, and, be it further

RESOLVED, that the Dutchess County Legislature does hereby commend and congratulate Community Voices Heard (CVH) on the occasion of its 20th Anniversary of its founding, and extend to Community Voices Heard (CVH) its best wishes in all of its future endeavors.

Resolution No. 2015235

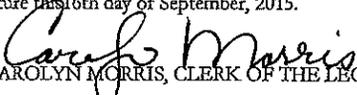
STATE OF NEW YORK

ss:

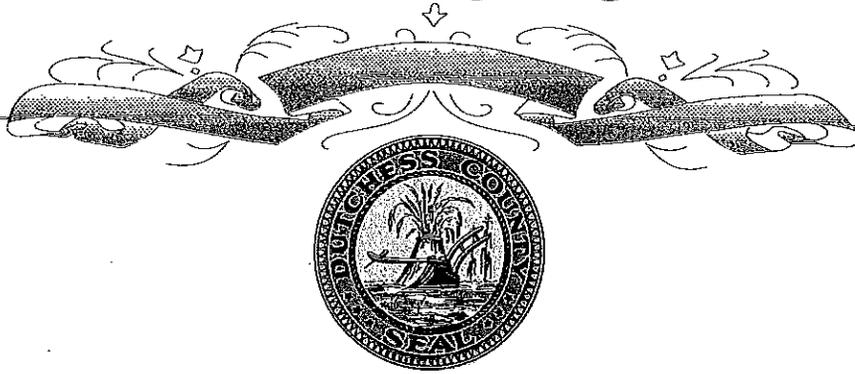
COUNTY OF DUTCHESS

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



PROCLAMATION: ALBINISM AWARENESS MONTH - SEPTEMBER 2015

Legislator FARLEY offers the following and moves its adoption:

WHEREAS, albinism affects people from all races, with one person in 17,000 in the United States having some type of albinism, and often people do not even recognize that they have it, and

WHEREAS, the word "albinism" refers to a group of inherited conditions that cause people to have little or no pigment in their eyes, skin or hair due to an inherited gene that does not make the usual amounts of a pigment called melanin, and

WHEREAS, in the United States most people with albinism live normal life spans and have the same type of general medical problems as the rest of the population, and

WHEREAS, people with albinism may have one or more of the following eye problems:

- They may be very far-sighted or near-sighted, and may have other defects in the curvature of the lens of the eye (astigmatism) that cause images to appear unfocused.
- They may have a constant, involuntary movement of the eyeball called nystagmus.
- They may have problems in coordinating the eyes in fixing and tracking objects (strabismus), which may lead to an appearance of having "crossed eyes" at times. Strabismus may cause some problems with depth perception, especially at close distances.
- They may be very sensitive to light (photophobia) because their irises allow "stray" light to enter their eyes. It's a common misconception that people with albinism shouldn't go out on sunny days, but wearing sunglasses can make it possible to go outside quite comfortably.

, and

WHEREAS, those living with albinism are at risk of isolation because the condition is often misunderstood, now, therefore, be it

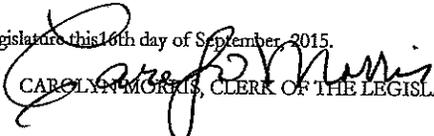
RESOLVED, that the Dutchess County Legislature does hereby proclaim September as Albinism Awareness Month in Dutchess County and urges all citizens to learn more about albinism so as to raise awareness in Dutchess County and beyond.

Resolution No. 2015236
STATE OF NEW YORK

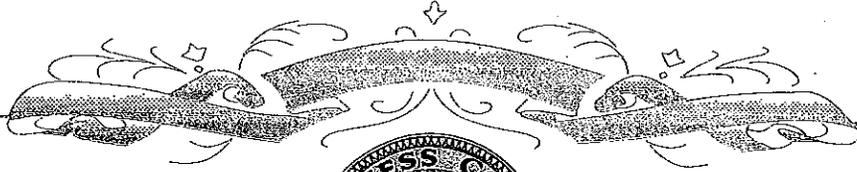
ss:
COUNTY OF DUTCHESS

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



----- PROCLAMATION: RECOGNIZING SEPTEMBER AS
HUNGER ACTION MONTH -----

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

WHEREAS, hunger and poverty are issues of grave concern in the United States, and

WHEREAS, in the United States today, 15 million children face hunger, that's 1 in 5, and chances are, someone your child goes to school with struggles to get enough to eat, and

WHEREAS, in New York State 2.3 million residents rely on emergency food assistance annually, and

WHEREAS, just as hunger knows no age, neither does fighting it, and we all have a role to play in solving hunger, whether old or young, and

WHEREAS, Hunger Action Month is an initiative to mobilize and inform the public about hunger related issues, and

WHEREAS, the Dutchess County Legislature is committed to taking steps to raise awareness about the need to combat hunger in every part of Dutchess County and provide additional resources accessible to local citizens in need, now, therefore be it

RESOLVED, that the Dutchess County Legislature does hereby proclaim September as "Hunger Action Month" in Dutchess County and calls upon all citizens, businesses, public and private agencies, media, and religious and educational institutions within the County to learn more about hunger and take action to ensure that every Dutchess County Resident, every day, has enough to eat.

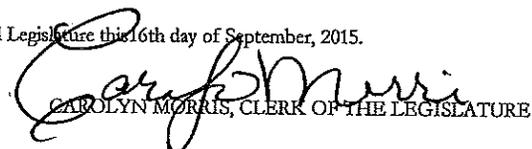
Resolution No. 2015237
STATE OF NEW YORK

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 16th day of September, 2015, 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 16th day of September, 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RESOLUTION NO. 2015238

RE: LOCAL LAW NO. _____ OF 2015, A LOCAL LAW IN RELATION TO
PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS
CONTAINING MICROBEADS IN DUTCHESS COUNTY

Legislators TYNER, AMPARO, IGNAFFO, and FARLEY offer the following and move
its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____
of 2015 which has been submitted this day for consideration by said Legislature.

NO FURTHER ACTION TAKEN IN 2015

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 13th day of October, 2015, and that
the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. _____ OF 2015

A LOCAL LAW IN RELATION TO PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN DUTCHESS COUNTY

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

Section 1: Legislative Findings and Intent

The Dutchess County Legislature hereby makes the following findings and determinations:

- a) The Legislature hereby finds and determines that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal cosmetic products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Dutchess County's environment. Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain. Microbeads have been found in high quantity in New York State's water bodies.
- b) Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal cosmetic products. Without significant and costly improvements to Dutchess County's sewage treatment facilities, microbeads contained in personal cosmetic products will continue to pollute water bodies within Dutchess County.

Section 2: Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

- a) "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.
- b) "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of New York State Public Health Law or Section six thousand eight hundred ten of New York State Education Law.

Section 3: Restrictions on the Sale of Microbeads in Dutchess County

It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined herein.

Section 4: Enforcement

a) The County of Dutchess through its Department of Health Division of Weights and Measures ("the Division") shall have sole jurisdiction to enforce the provisions of this local law.

b) Any person, firm, corporation, or other entity who violates section 3 of this local law shall be liable for a civil penalty not to exceed two thousand five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation. For a second violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed five thousand dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.

c) The Dutchess County Attorney may bring an action in the name of Dutchess County or the Dutchess County Department of Health division of Weights and Measures to recover the civil penalty provided by this local law in any court of competent jurisdiction.

Section 5: Reverse Preemption

This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess. The Dutchess County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or Business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Section 7: Effective Date

This local law shall become effective 180 days after filing with the Secretary of State.

LAW TO BAN MICROBEADS IN PUTCHESS COUNTY

No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$ 0

Total Current Year Revenue and Source: \$ 0

Source of County Funds (check one): Existing Appropriations

Contingency

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Line Item (s)
Related Expenses:

020007

\$5000 ↔ p. 210

A. 4010.29 (ME 4117)
Environmental Supplies

Nature of Expenses:

publicity to local stores/consumers to enforce law

Anticipated Savings to County:

savings on Medicaid; increased sales tax revenue from tourism
(\$2500)

Net county Cost (this year):

\$ 0

(over five years):

\$ 0

Additional comments:

Fact: GOP-led County legislative majorities

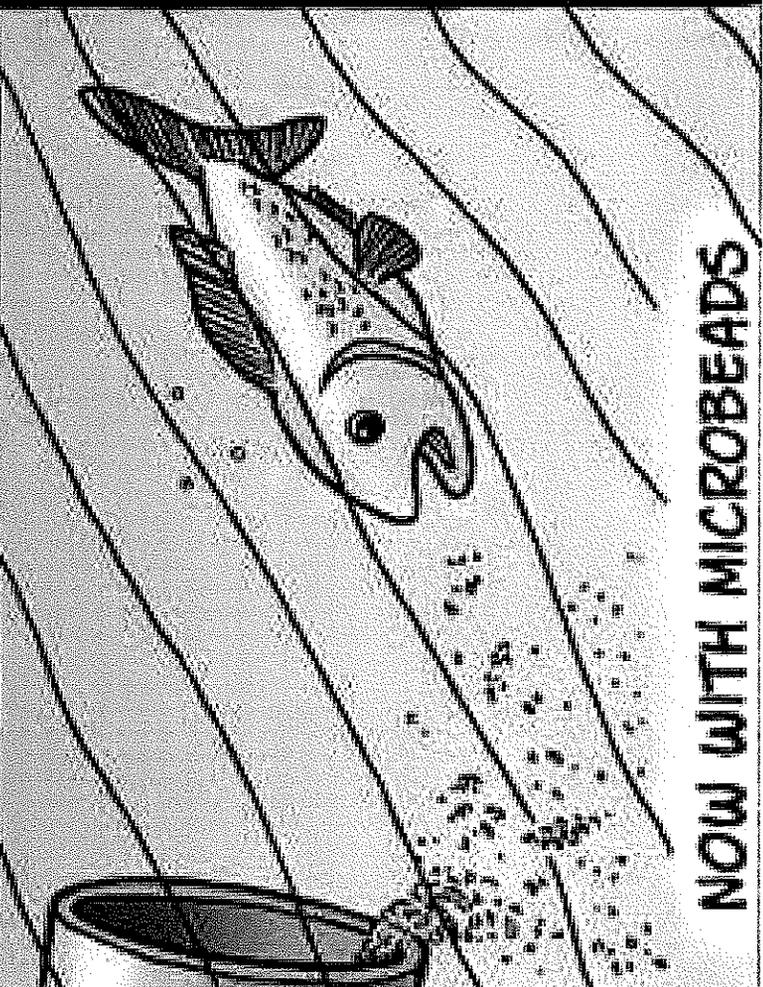
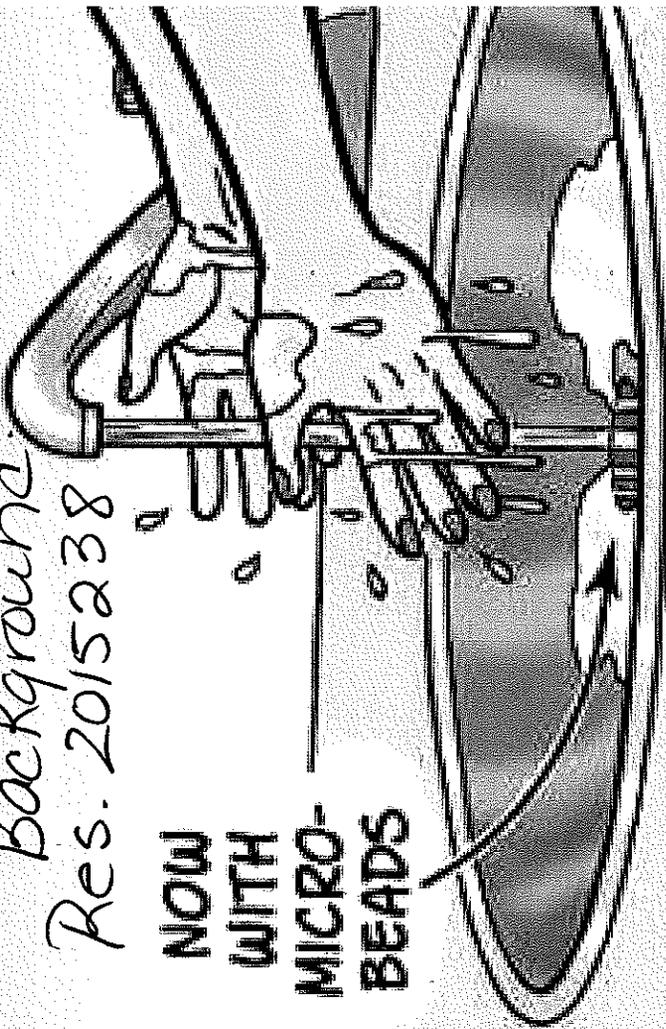
in both Erie and Chautauque Counties

unanimously passed identical laws to ban microbeads there —
time for us here in Putchess County!

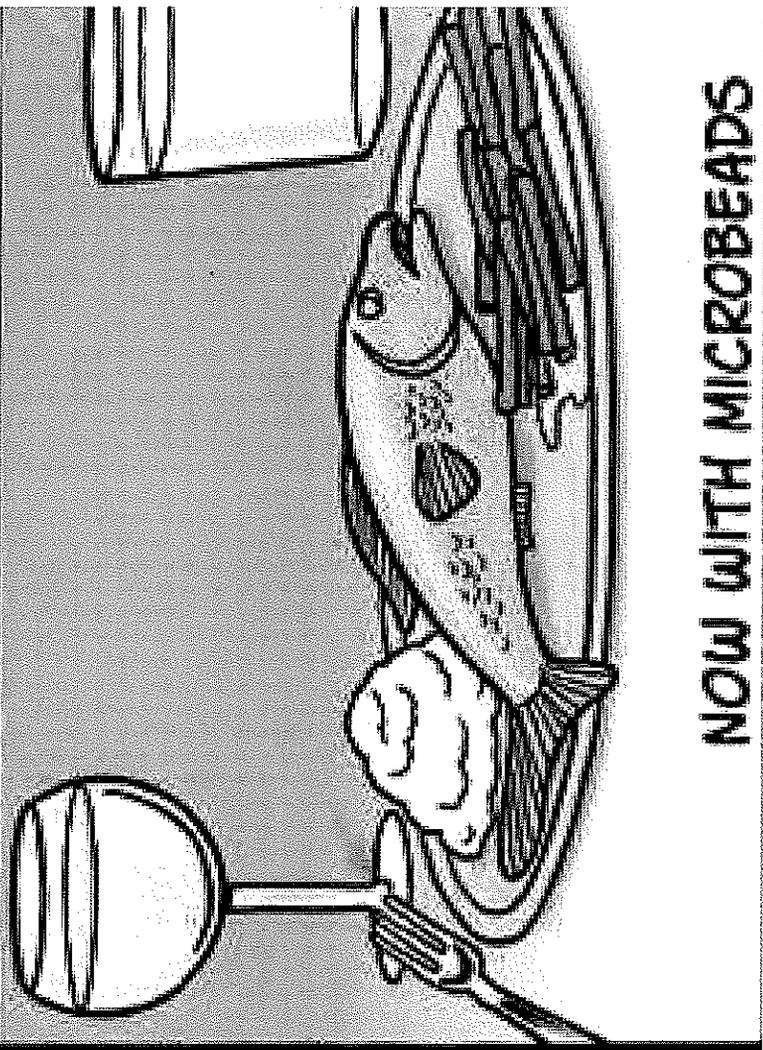
COST
R. SIVE
NEUTRAL!

Background
Res. 2015238

NOW WITH MICRO-BEADS



NOW WITH MICROBEADS



NOW WITH MICROBEADS

Scientific Evidence Supports a Ban on Microbeads

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SCIENTIFIC
OPINION
NON-PEER
REVIEWED



■ MICROBEADS ADD TO THE INCREASING ACCUMULATION OF MICROPLASTIC POLLUTION

Microplastic has been reported in every major open ocean and many freshwater lakes and rivers. Its small size makes it bioavailable to thousands of species across nearly all trophic levels. Because of the difficulty of large-scale cleanup, environmental managers, scientists, and environmentalists have stressed that the best solution to microplastic pollution is source reduction. Recently, one source of microplastic has received much attention in the media and from policy makers: plastic microbeads.

■ BACKGROUND ON THE BEAD

Microbeads are plastic fragments or beads ranging in size from roughly 5 μm to 1 mm. They are made from synthetic polymers including polyethylene, polylactic acid (PLA), polypropylene,

polystyrene, or polyethylene terephthalate. Microbeads are used in hundreds of products, often as abrasive scrubbers, including face washes, body washes, cosmetics, and cleaning supplies, and are used as a replacement for natural exfoliating materials, such as pumice, oatmeal, or walnut husks.

Microbeads are designed to be discarded down the drain. Because of their small size, some microbeads are littered into the environment via final effluent or biosolids (sewage sludge) from wastewater treatment plants (WWTPs)^{1–3} and have become one of the many types of microplastic debris reported in aquatic habitats.

■ SMALL BEAD, LARGE CONTAMINATION

Microplastics enter aquatic habitats via several sources. *How much of this contamination is caused by microbeads?* We do not yet know. Because of the large volume in production and current end-of-life strategy, microbeads have the potential to be a source of many microplastic particles to aquatic habitats. One approach for estimating the contamination is to quantify microbeads in effluent from WWTPs. To provide an example of the potential for environmental contamination, we use the limited available information to estimate how many microbeads may be entering aquatic habitats from the United States alone.

Water collected by WWTPs goes through several treatment processes. As part of these processes, wastewater is sent to settling tanks to separate suspended solids (sludge) from the liquid phase (effluent). Here, 95–99.9% of the microbeads may settle out into the sludge, leaving the remaining beads in the effluent.^{1,2} Studies report a range of 0–7 microbeads L^{-1} of final effluent,^{1–3} which is often discharged directly to aquatic habitats.

Fewer than seven microbeads per liter of effluent may not sound significant; however, WWTPs in the United States are collectively capable of treating >160 trillion L of water everyday.⁴ Using a conservative estimate, assuming all WWTPs operate at half capacity (i.e., treating 80 trillion L/

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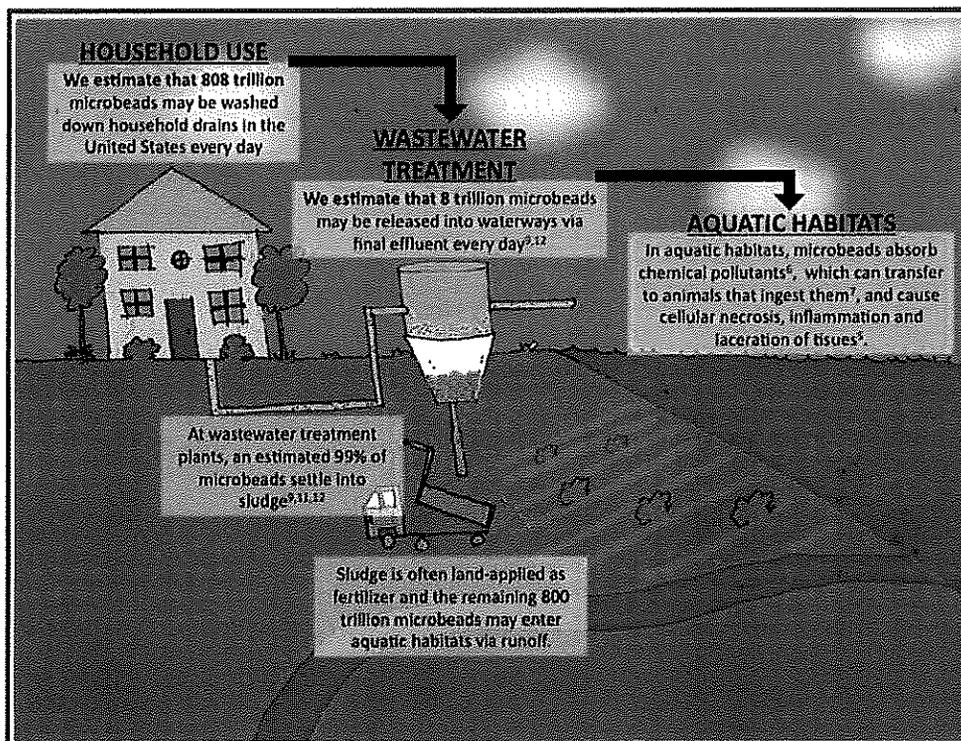


Figure 1. Schematic diagram showing the route that microbeads take from our homes to the aquatic environment.

day) and that 0.1 microbeads are found per L of effluent (the average of the two studies which found a smaller amount of microbeads^{2,3}), we calculate that 8 trillion microbeads per day are emitted into aquatic habitats in the United States (Figure 1). If you line these microbeads up side by side, assuming they are 100 μm spheres, the United States emits enough microbeads to cover >300 tennis courts daily. If we assume 99% of microbeads are captured during sedimentation, the remaining 800 trillion microbeads settle into the sludge. Sludge is often spread over areas of land and thus runoff from precipitation and irrigation may enable these particles to enter aquatic habitats (Figure 1). Such calculations clarify that waste management is not an effective solution to prevent microbead pollution. We must look upstream to prevent microbeads from entering WWTPs; this is best accomplished by removing microbeads from products.

■ THE MOVEMENT TO BAN THE BEAD

Public support for banning microbeads is growing and has prompted action from multinational companies, NGOs, and policy-makers. For instance, Unilever, The Body Shop, IKEA, Target Corporation, L'Oreal, Colgate/Palmolive, Procter & Gamble, and Johnson & Johnson pledged to stop using microbeads in their "rinse-off personal care products", and >70 NGOs from more than 30 countries are working on or helped pass legislative action to ban microbeads from personal care products. For example, several US states including Illinois, Colorado, Connecticut, New Jersey, Maine, Maryland, and Wisconsin and the province of Ontario in Canada have regulated or banned microbeads.

While laudable, the agreements and legislation enacted thus far do not remove all sources of microbeads from the aquatic environment because of the wording of these documents. First,

there are applications (e.g., cosmetics, deodorants, lotions, nail polish, and cleaners) for microbeads that go down the drain but are not considered "personal care" or "rinse-off products". Other issues include how the terms "plastic" and "biodegradable" are defined. For example, the legislation passed in Illinois defines "plastic" as something that retains its "defined shape during life cycle and after disposal". This allows microbeads to be made from plastics that biodegrade slightly, thus changing their defined shape in an unspecified time period. What seems to cause the most confusion is how the term "biodegradable" is defined. Several companies and legislation promise to remove "non-biodegradable" microbeads from personal care products. When the term biodegradable is not defined or international standards for biodegradability are cited that do not mandate full degradation in aquatic environments, it allows for materials to be used in products that only degrade slightly during a 1-year period (e.g., PLA⁵). New wording should ensure that a material that is persistent, bioaccumulative, or toxic is not added to products designed to go down the drain.

Preventing microbeads from becoming microplastic pollution will take time. In several debates, the argument has been raised that there is not yet enough scientific evidence to support banning microbeads. Though there are gaps in our understanding of the precise impact of microbeads on aquatic ecosystems, this should not delay action. Several extant questions regarding the persistence, fate, and hazards of microbeads can be addressed via more general studies of microplastic debris. Microplastics of the same type, size, and shape as microbeads are persistent, impractical to remove, and have negative impacts on aquatic organisms. The probability of risk from microbead pollution is high while the solution to this problem is simple. Banning microbeads from products that

enter wastewater will ultimately protect water quality, wildlife, and resources used by people.

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Author Contributions

@These authors contributed equally.

Notes

The authors declare no competing financial interest.

■ ACKNOWLEDGMENTS

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■ REFERENCES

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- (2) Magnusson, K.; Wahlberg, C. *Screening of Microplastic Particles in and down-Stream of a Wastewater Treatment Plant*, Technical Report published for IVL Swedish Environmental Research Institute, August 2014; Swedish Environmental Research Institute: Stockholm, Sweden, 2014.
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Microplastic is an Abundant and Distinct Microbial Habitat in an Urban River

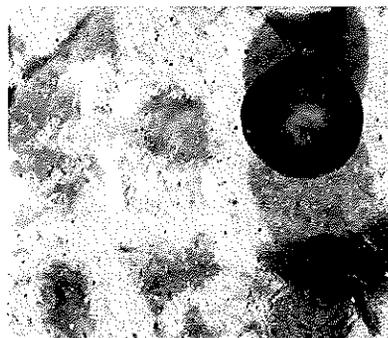
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Supporting Information

ABSTRACT: Recent research has documented microplastic particles (< 5 mm in diameter) in ocean habitats worldwide and in the Laurentian Great Lakes. Microplastic interacts with biota, including microorganisms, in these habitats, raising concerns about its ecological effects. Rivers may transport microplastic to marine habitats and the Great Lakes, but data on microplastic in rivers is limited. In a highly urbanized river in Chicago, Illinois, USA, we measured concentrations of microplastic that met or exceeded those measured in oceans and the Great Lakes, and we demonstrated that wastewater treatment plant effluent was a point source of microplastic. Results from high-throughput sequencing showed that bacterial assemblages colonizing microplastic within the river were less diverse and were significantly different in taxonomic composition compared to those from the water column and suspended organic matter. Several taxa that include plastic decomposing organisms and pathogens were more abundant on microplastic. These results demonstrate that microplastic in rivers are a distinct microbial habitat and may be a novel vector for the downstream transport of unique bacterial assemblages. In addition, this study suggests that urban rivers are an overlooked and potentially significant component of the global microplastic life cycle.



INTRODUCTION

Global commerce relies heavily on the production of millions of metric tons of plastic per year,¹ and the abundance and ecological impacts of plastic litter are increasingly recognized as a critical field of study in marine ecology.^{2–4} Recent research has found microplastic (i.e., plastic particles <5 mm in diameter³) in ocean habitats worldwide including pelagic zones,^{5–8} coastal waters,^{9–11} coastal sediments,^{1,12,13} beaches,^{14,15} and the deep ocean.¹⁶ Microplastic sources include industrial resin pellets from manufacturing plants¹⁷ and fragmentation of larger plastic through photolysis, abrasion, and microbial decomposition.^{17,18} In addition, some personal care products and cleaners contain microplastic abrasives,^{19,20} and washing machine effluent contains microplastic fibers from synthetic textiles.¹³ The latter two sources enter the domestic wastewater infrastructure but are often not removed by wastewater treatment plants (WWTPs) due to their small size and buoyancy.^{13,19,20} WWTPs have been identified as point sources for microplastic in marine environments. For example, in the United Kingdom, coastal WWTP disposal sites had >250% more microplastic than reference sites, despite over a decade passing since the termination of dumping UK sewage sludge at marine-disposal sites.¹³

Microplastic interacts with organisms in the ocean in multiple ways, including ingestion by consumers, facilitating accumulation of persistent organic pollutants (POPs) into food webs, and the selection of unique assemblages of colonizing microbes. Microplastic ingestion has been documented for

marine organisms of varying sizes and trophic levels, from zooplankton to mammals,¹⁷ and microplastic can be transferred from prey to predators.^{21,22} Plastics can leach toxic chemicals such as polychlorinated biphenyl (PCB) and nonylphenols, which is a concern for water quality in general and for organisms that ingest plastic.²³ In addition, the hydrophobic surfaces of microplastic readily adsorb POPs that occur at low concentrations in the environment.¹⁸ Plastic pollution adsorbs levels of POPs up to 1 million times higher than ambient concentrations,^{23–25} and POPs can desorb inside organisms following ingestion, exacerbating POP bioaccumulation at higher trophic levels.^{26,27} Sorption kinetics of POPs on microplastic in variable conditions have only recently been explored (i.e., across salinity gradients and within digestive organs), and vary according to chemical properties of individual POPs.^{28,29}

Microplastic in the open ocean supports microbial biofilms that are distinct in taxonomic composition from the microbial assemblages of the surrounding water,³⁰ suggesting that microplastic surfaces represent a distinct microbial habitat and that processes carried out by microplastic-attached microbes might differ from those in the open water. Microplastic surfaces may also represent a novel mechanism

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for microbial species dispersal,³⁰ as plastic items can migrate rapidly among marine habitats.⁷

Whereas the ecological effects of microplastic have been documented in oceans, they have not been extensively measured in freshwaters.³¹ Recent studies have found microplastic in a remote lake in Mongolia³² and in Laurentian Great Lakes habitats including beaches³³ and surface waters at concentrations in the same range as marine studies.^{7,8} Much of the microplastic in the Great Lakes surface waters was suspected to be microbeads originating from consumer products in wastewater effluent.⁸

Rivers share many of the same sources of microplastic as marine and Great Lake ecosystems, and have less water volume for dilution. Therefore, urban rivers which receive WWTP effluent are likely to have high microplastic concentrations. Rivers may retain microplastic or transport it to downstream lakes and coastal environments, with the potential for numerous biological interactions with river biota. Thus, microplastic could have significant effects on river ecosystems, and rivers may play a significant role in the global microplastic "life cycle".³⁴ Currently, the abundance of microplastic, its interaction with organisms, and its effects on ecosystem processes in rivers are unknown.

The objective of this study was to measure the microplastic concentration in an urban river and assess WWTP effluent as a potential point source. We hypothesized that microplastic concentrations would be significantly higher downstream of a WWTP effluent input than upstream. Further, we hypothesized that bacterial biofilms colonizing microplastic would differ in composition from bacterial assemblages in adjacent habitats (water column and suspended organic matter) and would include bacteria associated with domestic wastewater.

METHODS

Study Site. The North Shore Channel (NSC) in Chicago, Illinois (IL), USA (42.022, -87.710) is a 12-km man-made channel built in 1910 that receives water from Lake Michigan at Waukegan, IL and joins the North Branch of the Chicago River at Foster Ave in Chicago, IL. Treated wastewater effluent from the Terrence J. O'Brien Water Reclamation Plant flows into the NSC approximately 5.6 km upstream of its confluence with the Chicago River. The O'Brien Plant is an activated sludge plant that treats domestic wastewater. It has an average flow of 927 million liters per day and effluent is not disinfected prior to release. The NSC is part of the hydrologically complex Chicago Area Waterways System (CAWS), which is highly urbanized and contains several large WWTPs. CAWS drains into the Illinois River, then the Mississippi River, and may thereby introduce microplastic to downstream river and marine environments.

Microplastic Collection and Quantification. Microplastic was collected with two neuston nets (0.92 × 0.42 m and 0.36 × 0.41 m) of 333- μ m mesh on September 13, 2013. The nets were deployed simultaneously behind a stationary boat. Water velocity was measured at the center of each net during each deployment (Marsh-McBirney Flo-Mate model 2000 Portable Flowmeter, Loveland, CO). After 20 min, all collected material was rinsed from the net into 1-L Nalgene containers ($N = 4$ downstream and 4 upstream) with ~250 mL of unfiltered site water, and then placed into a cooler on ice for transport to the laboratory where they were stored at 4 °C until measurement of microplastic concentrations.

To collect samples for bacterial measurements, additional net samples were collected ($N = 4$ downstream). Material from the nets was rinsed onto a sterile white tray. Individual microplastic particles were picked using sterilized forceps and placed in a 160-mL sterile specimen container with 20 mL of site water. Organic material from the sample was removed in the same fashion. To measure water column bacteria, 2-L samples of unfiltered site water from the water column at the upstream and downstream sites were collected. The specimen containers and 2-L water column samples were transported on ice to the laboratory where they were stored at 4 °C until processing. Samples for DNA extraction were processed within 72 h, and samples for microplastic counts were processed within 4–5 d. Also collected were triplicate, 20-mL filtered water samples (glass microfiber filter; GF/F; Sigma-Aldrich Co., St. Louis, MO) to measure dissolved nutrients at the upstream and downstream sites. Filtered water samples were frozen at -20 °C until solute analyses.

A protocol designed for the quantification of marine samples to measure microplastic concentrations was adapted for this study.^{32,35} Samples from the net collections were first run through 2-mm and 330- μ m stacked sieves. The remaining 0.330–2 mm fractions were stored in glass beakers in a drying oven at 75 °C for 48 h. Organic material was degraded through a wet peroxide oxidation (0.05 M Fe(II) and 30% hydrogen peroxide) at approximately 75 °C. Plastic is resistant to wet peroxide oxidation.^{32,35} Samples then went through a salinity-based density separation using sodium chloride, where microplastic floated and heavier inorganic material was drained from the sample.³⁵ Microplastic was filtered and counted under a dissecting microscope. Because of the abundance of microplastic and the tendency of particles to stick to the filter (especially plastic fibers), particles were counted using a subsample approach. For each sample, 5 random subsamples of the filter were counted. Each subsample was 3% of the filter area. The microplastic type (i.e., fragment, pellet, foam, or fiber) was recorded for each particle in each field of view. The mean value from 5 subsamples was scaled up in proportion to the whole filter to determine microplastic abundance for the sample. Concentration was calculated by dividing the number of particles by water volume (no. items m⁻³), or surface area (no. items km⁻²). All reagents were checked for microplastic contamination, and none was found. Control samples were processed identically to environmental samples to measure procedural contamination ($N = 4$). No microplastic contamination of fragments, pellets, or foam was found. Mean (\pm SE) procedural contamination by microplastic fibers was 4.5(\pm 1.2) per sample, which was subtracted from each environmental sample. This represented 0.9% of fibers per sample from samples downstream of WWTP effluent and 9.3% from upstream.

Scanning Electron Microscope (SEM) Imaging. Microplastic pieces were placed in Karnovsky's Fixative for 24 h at 4 °C, followed by a buffer wash using 0.2 M sodium cacodylate. Samples were then postfixed with 2% osmium tetroxide, and dehydrated using a graded ethanol series (10–15 min each in 30%, 50%, 75%, 95%, followed by 3 × 10–15 min in 100% ethanol). Samples were dried using a Polarion E3000 Critical Point Dryer, mounted on aluminum SEM stubs using double-sided carbon sticky tabs. Samples were then coated with 30 nm of Gold Palladium using a Hummer 6.2 Sputter Coater. We viewed samples using a Cambridge Instruments S240 scanning electron microscope. Randomized fields of view ($N = 5$) were

photographed from microplastic fragments ($N = 3$) and pellets ($N = 3$) to quantify microbial cell densities.

DNA Extraction and Sequencing. DNA was extracted from samples of microplastic, suspended organic matter, downstream water column, and upstream water column using MoBio Powersoil DNA extraction kits (MoBio Laboratories, Carlsbad, CA). For the microplastic and organic matter samples, material collected manually from the net samples was placed into 2-mL microcentrifuge tubes for DNA extraction. For the water column samples, 500 mL of 2-L water samples was filtered using Millipore Sterivex 0.22- μm filter cartridges ($N = 4$ downstream and 4 upstream). The filters were removed from cartridges, cut with a sterilized razorblade, and placed into 2-mL microcentrifuge tubes for DNA extraction.³⁶ For all samples, successful DNA isolation was confirmed by agarose gel electrophoresis.

Bacterial assemblages were profiled via next-generation amplicon sequencing of 16S rRNA genes. PCR amplification was performed by the DNA Services Facility, University of Illinois at Chicago, using primers 515F and 806R, which amplify the V4 hypervariable region of bacterial and archaeal 16S rRNA genes.³⁷ Amplicons were sequenced in a paired end format using the Illumina MiSeq platform³⁸ by the Genomics Core Laboratory, Michigan State University. Sequences were processed by using MOTHUR v.1.33.0 as previously described.³⁹ Briefly, paired reads were assembled and demultiplexed, and any sequences with ambiguities or homopolymers longer than 8 bases were removed from the data set. Sequences were aligned using the SILVA-compatible alignment database available within MOTHUR. Sequences were trimmed to a uniform length of 253 base pairs, and chimeric sequences were removed using Uchime.⁴⁰ Sequences were classified using the MOTHUR-formatted version of the RDP training set (v.9), and any unknown (i.e., not identified as bacterial), chloroplast, mitochondrial, archaeal, and eukaryotic sequences were removed. Sequences were clustered into operational taxonomic units (OTUs) based on 97% sequence identity. To avoid biases associated with uneven numbers of sequences across samples, the entire data set was randomly subsampled to 101 845 sequences per sample. All of the sequence data analyzed in this paper can be downloaded from the National Center for Biotechnology Information (NCBI) Sequence Read Archive (SRA) with accession number SRP042978.

Water Chemistry. Water samples were analyzed for soluble reactive phosphorus (SRP), ammonium (NH_4^+), and nitrate + nitrite (NO_x^-) using an AutoAnalyzer 3 (Seal Analytical, Inc., Mequon, WI, USA). SRP was measured using the antimonyl tartrate technique,⁴¹ NH_4^+ was measured with the phenol hypochlorite technique,⁴² and NO_3^- was measured with the cadmium reduction technique.⁴³ Nitrite (NO_2^-) was measured without cadmium reduction, and nitrate (NO_3^-) was calculated as the difference between NO_x^- and NO_2^- .

Data Analysis. To compare microplastic abundance, cell density, and nutrient concentrations upstream and downstream of WWTP effluent, the nonparametric Mann–Whitney U-Test was used in SYSTAT 13.0 (Systat, Inc. Chicago, IL) because the data were not normally distributed and could not be transformed for normal distribution. The bacterial assemblages on samples of microplastic, organic matter, upstream water column, and downstream water column were compared by calculating the Bray–Curtis similarity index for each pair of samples and visualizing the resulting distance matrix using

nonmetric multidimensional scaling (nMDS) run within MOTHUR. The statistical significance of differences in assemblages between sample types based on the Bray–Curtis index was assessed by AMOVA run within MOTHUR. Microbial diversity based on observed numbers of OTUs, Chao1 richness, and the inverse Simpson and Shannon–Weiner (H') indices were calculated for each sample using MOTHUR. We used one-way ANOVA to assess the effects of sample type on microbial diversity followed by Tukey's multiple comparison test. Bacterial genera making the largest contributions to the dissimilarities between sample types (based on Bray–Curtis) were identified by a SIMPER analysis run in Primer 6 (Primer-E Ltd., Plymouth, United Kingdom). Two analyses were completed with SIMPER: comparing upstream to downstream water columns and comparing plastic to nonplastic downstream substrates (organic matter and downstream water column). For all genera identified as contributing to dissimilarities between sample types, a t test was completed to determine whether there were statistically significant differences in the relative abundances of the genera between samples types. All ANOVAs and t tests were completed in SYSTAT 13.0 (Systat, Inc. Chicago, IL).

RESULTS

Microplastic Concentration. Microplastic was found in each net sample, and concentration was higher downstream of WWTP effluent than upstream (Mann–Whitney U Test = 15.00; p -value = 0.043; Table 1; Figure 1). Mean (\pm SE)

Table 1. Mean (\pm SE) Microplastic Concentration and Water Column Nutrients Upstream and Downstream of the Terrence J. O'Brien Wastewater Treatment Plant in the North Shore Channel, Chicago^a

parameter	upstream	downstream	U-value	p-value
Microplastic Concentration (no. m^{-3})				
total	1.94(0.81)	17.93(11.05)	15	0.043
fragments	0.73(0.24)	6.65(3.09)	15	0.043
pellets	0.00(0.00)	0.45(0.25)	14	0.047
styrofoam	0.00(0.00)	0.25(0.07)	16	0.014
fibers	1.21(0.59)	10.57(8.26)	15	0.043
Nutrient Concentrations ($\mu\text{g L}^{-1}$)				
SRP	<4(<4)	693(19)	9	0.037
NH_4^+	58(2)	620(2)	9	0.050
NO_x^-	162(9)	7198(78)	9	0.050
NO_2^-	2(0)	160(0)	9	0.050
NO_3^-	160(9)	7038(77)	9	0.050
DIN	181(16)	7405(280)	9	0.050

^aU-value and p-value data were determined by the Mann–Whitney test. Abbreviations: SRP = soluble reactive phosphorus, NH_4^+ = ammonium, NO_x^- = nitrite + nitrate, NO_2^- = nitrite, NO_3^- = nitrate, and DIN = dissolved inorganic nitrogen. For microplastic, $N = 4$ upstream 4 and downstream, and for solutes, $N = 3$ upstream and 3 downstream.

microplastic concentrations were 1.94 (0.81) m^{-3} upstream and 17.93 (11.05) m^{-3} downstream. Mean (\pm SE) upstream and downstream concentrations per unit area were 730 341 (279 341) km^{-2} and 6 698 264 (3 929 093) km^{-2} , respectively. Categories of microplastic were different between sites (Table 1). Foam and pellets were found only in downstream samples, and concentrations of foam and pellets were relatively low compared to fragments and fibers. All nutrient concentrations

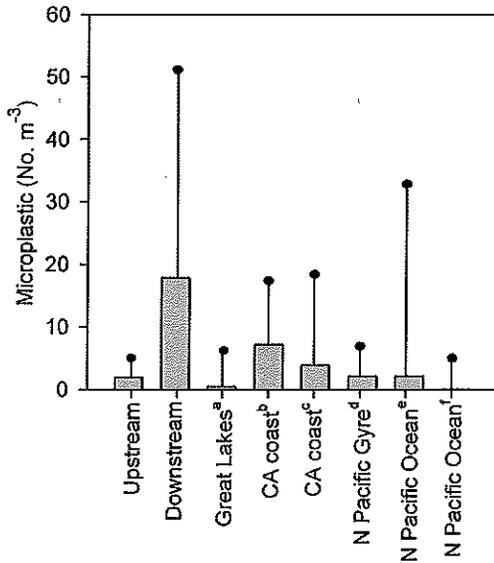


Figure 1. Mean and maximum microplastic concentrations at our study sites upstream and downstream of a WWTP in the North Shore Channel relative to values from the literature. Citations: a = Eriksen et al.,⁸ b = Moore et al.,⁹ c = Lattin et al.,¹⁰ d = Moore et al.,⁶ e and f = Goldstein et al.⁴⁴

were significantly higher downstream of WWTP effluent (Table 1).

Microbial Colonization of Microplastic. SEM imaging revealed extensive microbial colonization of microplastic pellets and fragments (Supporting Information (SI) Figure S1). No fungal hyphae or algal cells were observed under SEM, suggesting that the cells colonizing the microplastic were mainly prokaryotic. Cell density varied from 0.000 to 0.304 cells μm^{-2} in the randomized SEM fields of view, and cells were found in aggregates on microplastic. Mean (\pm SE) cell density colonizing downstream microplastic was 0.037 (0.012) cells μm^{-2} on pellet particles and 0.063 (0.032) cells μm^{-2} on fragments. There was no significant difference in cell densities on pellets relative to fragments (Mann–Whitney $U = 5.5$, $p = 0.658$).

Diverse bacterial assemblages were found on microplastic, as well as within upstream water column, downstream water column, and on downstream organic material, with a mean number of observed OTUs of 3023, 2795, 3630, and 4264, respectively. Mean coverage of sampling, calculated by dividing the number of observed OTUs by the Chao1 richness estimator, for the upstream water column, downstream water column, organic material, and microplastic was 72.5%, 78.5%, 73.2%, and 72.1%, respectively. Downstream water column and organic material samples had a higher number of observed OTUs, Chao1 richness index, and diversity (both as inverse Simpson's and Shannon–Weiner) than the upstream water column and microplastic samples (Figure 2).

Bacterial assemblages were significantly different among sample types (Figure 3). Bray–Curtis index scores were significantly different when comparing all sample types (p -value < 0.001) and when comparing any one category to another (SI Table S1). There were clear differences among the 4 sample types in the relative abundance of bacteria OTUs at the family level (Figure 4). The 3 most common bacteria families were different in each sample type. The most common

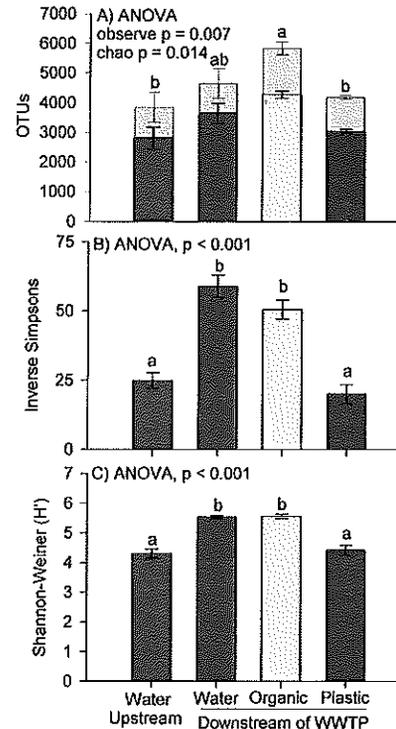


Figure 2. (A) Number of observed bacterial operational taxonomic units (OTUs) (colored) and estimate of total number of bacterial OTUs based on Chao1 richness estimator (gray); (B) inverse Simpson diversity index, and (C) Shannon–Weiner diversity index (H') for North Shore Channel bacterial assemblages. P -values are from 1-way ANOVA comparing among 4 categories, letters show Tukey's test results.

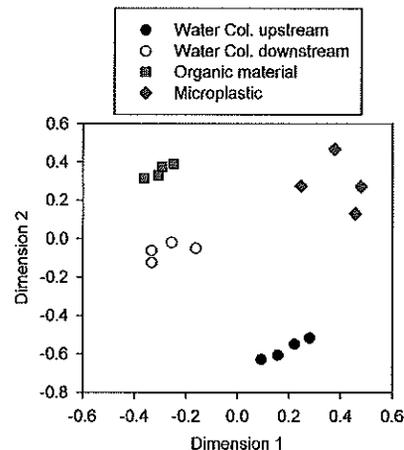


Figure 3. Nonmetric multidimensional scaling (nMDS) ordination of 16S sequencing data (Bray–Curtis dissimilarity) comparing assemblages of bacteria collected in the North Shore Channel.

in the upstream water column were Actinomycetales, Proteobacteria, and unclassified bacteria, and in the downstream water column the most common were unclassified bacteria, Moraxellaceae, and Comamonadaceae. The most common families in the organic material included Rhodocyclaceae, unclassified bacteria, and Thiotrichaceae, and on plastic the most common were Pseudomonadaceae, Proteobacteria,

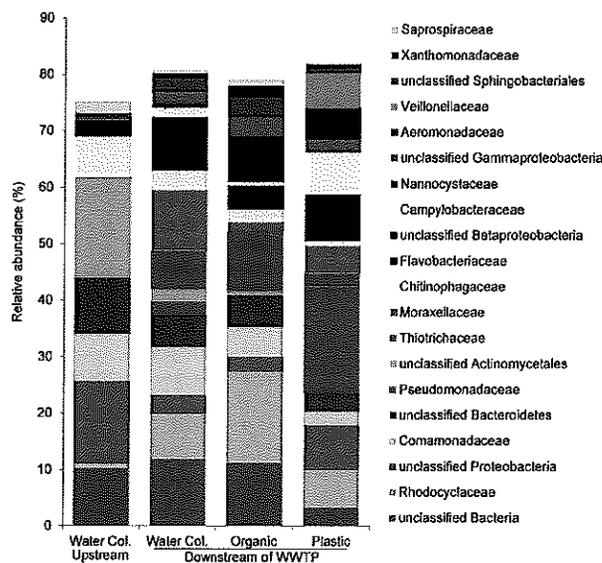


Figure 4. Relative mean abundance of 20 most abundant bacterial families based on 16S sequencing data for samples collected in the North Shore Channel.

and Campylobacteraceae (Figure 4). The large abundances of Pseudomonadaceae and Campylobacteraceae on plastic were especially notable. Pseudomonadaceae accounted for 19.0% of total sequences on the plastic but <1% of the total sequences from the upstream water column and organic material and 2.4% of total sequences from the downstream water column. Similarly, Campylobacteraceae accounted for 7.4% of total sequences on the plastic but <1% of the total sequences from the upstream water column and organic material and 1.7% of total sequences from the downstream water column.

There were 46 OTUs that accounted for 66.6% of the variation between plastic and nonplastic downstream substrates (Table 2). The genus contributing most to this variation was *Pseudomonas* (14.0% of variation), as *Pseudomonas* sequences were 15 times more abundant on plastic than nonplastic. Other groups significantly higher on plastic than nonplastic substrates were *Arcobacter*, *Aeromonas*, and unclassified Veillonellaceae, while *Thiothrix*, *Zoogloea*, Bacteroidetes, Comamonadaceae, and Sphingobacteriales abundances were significantly higher on the nonplastic substrates than plastic. There were 52 OTUs that contributed to 87.8% of the variation in downstream water column and upstream water columns bacterial assemblages (SI Table S2). Actinomycetales and Proteobacteria were significantly more abundant in the upstream water column than downstream. Whereas mean abundance of *Zoogloea*, *Acinetobacter*, Moraxellaceae, *Flavobacterium*, and *Thiothrix* in the downstream water column ranged from 4.9 to 6.7%, the mean abundance upstream for all of these groups was <1% (SI Table S2).

DISCUSSION

Recent research has revealed that microplastic is widespread in marine environments and the Laurentian Great Lakes,^{8,13,17} and researchers documenting microplastic in these environments have suggested the potential for rivers to serve as a microplastic source.^{8,17} However, data to confirm this suggestion are lacking. To compare microplastic concentrations from this urban river to published values, we performed a literature review using

many studies referenced in a recent review paper¹⁷ and studies identified by a Google scholar search (search date = December 2013, search terms = “microplastic concentration”, “surface water”, “ocean”, “river”, and “lake”). We narrowed the selection to only those studies which used similar nets and reported measurements as number of items per water volume or surface area. Microplastic abundance downstream of the WWTP in this study was higher than concentrations from several studies in the open ocean,^{6,44} and the maximum concentration in this study was above the maximum values from other studies (Figure 1). In addition, microplastic concentration downstream of the WWTP in this study was comparable to maximum coastal concentrations after storms (Figure 1), which are acknowledged to be periods of high microplastic abundance.^{9,10} Results demonstrate that this site had microplastic abundance equal to or higher than the oceans and Great Lakes, which has important implications for riverine biota and ecosystem processes in urban rivers.

Microplastic particles at our study site were colonized by dense bacterial biofilms, and the taxonomic composition of these biofilms was distinct from the bacteria in the water column and suspended organic matter, even though microplastic and organic samples were collected simultaneously in the same nets and thus were in intimate physical contact. The microplastic biofilms were also significantly less diverse than the bacterial assemblages in the downstream water column and suspended organic matter. These results indicate that that microplastic surfaces select for a unique suite of bacteria. Recent research focused on freshwater systems has found that larger fragments of inert anthropogenic litter material (i.e., plastic, glass, metal) also support distinct microbial biofilms as compared to those on organic substrates.³⁴

It is unclear if the microplastic bacterial assemblage was selected simply by the hard surface of the microplastic or by the chemical composition of the microplastic (i.e., plastic-degrading organisms). Plastic polymers such as polyethylene and polystyrene are considered to be nonbiodegradable, but photo- or thermo-oxidation can facilitate biodegradation.⁴⁵ Under microscopic inspection, many of our microplastic particles contained jagged edges, which suggests they may have formed from the fragmentation of larger plastic pieces.^{17,18} One of the dominant bacterial taxa within the microplastic biofilm assemblages, which was present at very low abundance in the nonplastic bacterial assemblages, was the genus *Pseudomonas*, which has been highlighted in previous studies of plastic biodegradation. For example, strains of *Pseudomonas* can degrade poly(vinyl alcohol) (PVA) and utilize it as a carbon source.⁴⁶ Under laboratory conditions, *Pseudomonas* spp. degraded over 20% of polythene sample mass in 1 month.⁴⁷ Polypropylene has also been biodegraded by *Pseudomonas*.⁴⁸ Therefore, the high abundance of *Pseudomonas* spp. on the microplastic from our study site suggests that the microplastic may be selecting for bacteria capable of decomposing the plastic compounds. Some fungal taxa are also known to be capable of plastic degradation.⁴⁹ We did not observe any fungal hyphae on the microplastic from our study sites, but the use of molecular approaches to assess possible fungal colonization of microplastic should be considered in future studies.

The high abundance of microplastic at our downstream sampling site compared to the upstream site indicates that WWTP effluent was a point source of microplastic to this river. Microplastic types included fibers and pellets associated with synthetic textiles and personal care and cleaning products,

Table 2. Bacterial OTUs Making the Most Significant Contribution to Variation between Communities from Plastic and Non-Plastic Sample Types Downstream of the WWTP^a

taxon	nonplastic	plastic	p-value	contribution to variation (%)	cumulative contribution (%)
<i>Pseudomonas</i>	1.13	17.81	<0.001	13.95	13.95
unclassified Bacteria	11.57	3.34	<0.001	6.88	20.83
<i>Thiothrix</i>	8.67	2.27	<0.001	5.34	26.17
<i>Arcobacter</i>	1.02	6.57	<0.001	4.64	30.81
<i>Aeromonas</i>	0.38	5.27	<0.001	4.09	34.90
unclassified Veillonellaceae	0.02	4.04	0.003	3.37	38.27
<i>Zoogloea</i>	5.83	2.00	<0.001	3.20	41.47
unclassified Bacteroidetes	5.59	3.29	0.001	1.92	43.39
unclassified Comamonadaceae	3.27	1.12	<0.001	1.80	45.19
unclassified Sphingobacteriales	2.39	0.75	0.003	1.38	46.57
<i>Zymophilus</i>	0.00	1.60	0.003	1.33	47.90
<i>Hydrogenophaga</i>	1.67	0.10	0.008	1.31	49.21
unclassified Actinomycetales	1.46	0.08	0.013	1.15	50.36
unclassified Myxococcales	1.42	0.18	0.005	1.04	51.40
<i>Aquabacterium</i>	0.41	1.52	0.027	0.99	52.39
unclassified Chitinophagaceae	1.72	0.60	<0.001	0.94	53.33
unclassified Pseudomonadaceae	0.12	1.10	0.001	0.82	54.15
<i>Thauera</i>	1.05	0.13	<0.001	0.77	54.92
unclassified Xanthomonadaceae	1.21	0.30	0.017	0.75	55.67
<i>Sediminibacterium</i>	1.13	0.23	0.024	0.75	56.42
unclassified Oxalobacteraceae	0.21	1.08	<0.001	0.73	57.15
<i>Desulfovibrio</i>	0.03	0.85	0.002	0.69	57.84
<i>Albidiferax</i>	0.98	0.16	0.002	0.68	58.52
<i>Sulfurospirillum</i>	0.09	0.83	<0.001	0.62	59.14
<i>Shewanella</i>	0.02	0.70	<0.001	0.56	59.70
<i>Nitrospira</i>	0.86	0.23	0.016	0.53	60.23
unclassified Chlamydiales	0.56	0.04	0.047	0.43	60.66
unclassified Alphaproteobacteria	0.93	0.43	0.001	0.42	61.08
<i>Prostheco bacter</i>	0.60	0.09	0.011	0.42	61.50
unclassified Ruminococcaceae	0.04	0.51	<0.001	0.39	61.89
unclassified Porphyromonadaceae	0.06	0.51	<0.001	0.37	62.26
<i>3_genus_incortae_sedis</i>	0.63	0.19	0.043	0.37	62.63
unclassified Burkholderiales	0.88	0.47	0.042	0.36	62.99
<i>Bacteroides</i>	0.21	0.64	0.002	0.35	63.34
unclassified Rhodobacteraceae	0.55	0.14	<0.001	0.35	63.69
<i>Prevotella</i>	0.03	0.45	<0.001	0.35	64.04
unclassified Saprospiraceae	0.51	0.12	0.002	0.33	64.37
<i>Anaerostinus</i>	0.00	0.37	0.002	0.31	64.68
<i>Desulfobulbus</i>	0.05	0.39	0.001	0.29	64.97
unclassified Rhizobiales	0.45	0.13	0.005	0.27	65.24
unclassified Deltaproteobacteria	0.36	0.06	0.004	0.25	65.49
<i>Mycobacterium</i>	0.33	0.05	0.004	0.24	65.73
unclassified Acidimicrobiales	0.30	0.03	<0.001	0.23	65.96
<i>Haliscomenobacter</i>	0.33	0.07	0.01	0.22	66.18
<i>Turneriella</i>	0.32	0.08	0.004	0.21	66.39
unclassified Bacteroidales	0.03	0.26	<0.001	0.20	66.59

^aEach data point is the mean abundance. P-value is based on a *t*-test comparison of plastic downstream samples and non-plastic downstream samples.

respectively. These microplastic particles can enter the domestic wastewater stream through normal use of these products. Many common wastewater treatment methods, including the activated sludge system in use at our study site, are not designed to remove nonbiodegradable particles in the microplastic size range, resulting in their release to the environment.^{8,20} The transport of microplastic through the domestic wastewater stream creates the opportunity for colonization by wastewater-associated microorganisms, and

might provide a vehicle for the transport of these organisms within aquatic ecosystems.

The family Campylobacteraceae includes multiple taxa associated with human gastrointestinal infections such as gastroenteritis^{50,51} and Campylobacteraceae was one of the most predominant families on microplastic at our study site (7.4%). Campylobacteraceae sequences were more than 4 times more abundant on the microplastic than in the downstream water column and more than 13 times more abundant on the microplastic than in the suspended organic matter, demonstrat-

ing that Campylobacteraceae have a strong affinity for microplastic. Several other genera that contain pathogenic taxa (e.g., *Aeromonas*, *Arcobacter*, and *Pseudomonas*)⁵² were also significantly higher on microplastic compared to nonplastic samples (Table 2). We note that not all members of these genera or the family Campylobacteraceae are pathogenic, but their high abundance on microplastic originating from the WWTP at our study site suggests significant colonization of microplastic by wastewater-associated organisms and indicates that microplastic may be a novel pathway for transporting disease-causing bacteria into waterways. Further research will be needed to assess the transport of microplastic within river ecosystems and the persistence of potentially pathogenic, wastewater-associated organisms.

The influence of wastewater effluent on the composition of the downstream microbial assemblages was also demonstrated by the more than 200-fold higher abundance of *Zooglea* sequences in the downstream water compared to the upstream water. *Zooglea* is a genus of aerobic chemoorganotrophic bacteria that are key players in aerobic wastewater treatment systems due to their ability to degrade organic carbon and promote floc formation.⁵³ *Zooglea* sequences were abundant in all of the downstream samples, including water column, organic matter, and microplastic, but in contrast to Campylobacteraceae, *Zooglea* were significantly more abundant on nonplastic samples compared to microplastic.

Our results represent the first exploration of microbial assemblages colonizing microplastic in a freshwater ecosystem. The fact that WWTP effluent was a point source of microplastic is significant because transport through the wastewater system creates the opportunity for colonization by pathogenic bacteria common in wastewater, and our results suggest that potentially pathogenic bacteria may have an affinity for microplastic. The link between microplastic and WWTP effluent is also significant because WWTP effluent typically contains higher concentrations of inorganic nutrients than receiving waters, and indeed at our study site the downstream water had dramatically higher concentrations of inorganic nutrients than the upstream water. Elevated levels of nutrients in effluent are likely to stimulate bacterial biofilm growth, suggesting that microplastic entering the environment via WWTP effluent may support more biofilm biomass than microplastic entering via other pathways. Higher biofilm mass on wastewater-associated microplastics could have significant implications for bacterially driven ecosystem processes such as C and N cycling. Biofilm mass may also impact interactions of microplastic with higher trophic levels, as aquatic invertebrates have been shown to prefer to feed on detritus that has been extensively colonized by microbes.^{54–56}

Our results suggest that urban rivers represent an overlooked and potentially important source of microplastic to downstream environments. We acknowledge the limited geographic range of this study, and stress that more studies are needed to assess the abundance, movement, retention, and ecological effects of microplastic in rivers. Results from this study and future research will contribute to public and ecological health by informing mitigation and prevention strategies which can reduce microplastic accumulation and biological impacts in rivers.

■ ASSOCIATED CONTENT

● Supporting Information

Figure showing SEM images from microplastic samples; 3 tables illustrating results from pair-wise comparisons of the

entire bacterial communities among 4 sample types and showing which genera explained the most variation in microbial community composition among sample types. This material is available free of charge via the Internet at <http://pubs.acs.org>.

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Notes

The authors declare no competing financial interest.

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Microplastic is an Abundant and Distinct Microbial Habitat in an Urban River

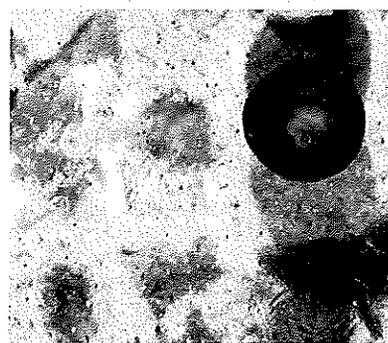
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Supporting Information

ABSTRACT: Recent research has documented microplastic particles (< 5 mm in diameter) in ocean habitats worldwide and in the Laurentian Great Lakes. Microplastic interacts with biota, including microorganisms, in these habitats, raising concerns about its ecological effects. Rivers may transport microplastic to marine habitats and the Great Lakes, but data on microplastic in rivers is limited. In a highly urbanized river in Chicago, Illinois, USA, we measured concentrations of microplastic that met or exceeded those measured in oceans and the Great Lakes, and we demonstrated that wastewater treatment plant effluent was a point source of microplastic. Results from high-throughput sequencing showed that bacterial assemblages colonizing microplastic within the river were less diverse and were significantly different in taxonomic composition compared to those from the water column and suspended organic matter. Several taxa that include plastic decomposing organisms and pathogens were more abundant on microplastic. These results demonstrate that microplastic in rivers are a distinct microbial habitat and may be a novel vector for the downstream transport of unique bacterial assemblages. In addition, this study suggests that urban rivers are an overlooked and potentially significant component of the global microplastic life cycle.



INTRODUCTION

Global commerce relies heavily on the production of millions of metric tons of plastic per year,¹ and the abundance and ecological impacts of plastic litter are increasingly recognized as a critical field of study in marine ecology.^{2–4} Recent research has found microplastic (i.e., plastic particles <5 mm in diameter³) in ocean habitats worldwide including pelagic zones,^{5–8} coastal waters,^{9–11} coastal sediments,^{1,12,13} beaches,^{14,15} and the deep ocean.¹⁶ Microplastic sources include industrial resin pellets from manufacturing plants¹⁷ and fragmentation of larger plastic through photolysis, abrasion, and microbial decomposition.^{17,18} In addition, some personal care products and cleaners contain microplastic abrasives,^{19,20} and washing machine effluent contains microplastic fibers from synthetic textiles.¹³ The latter two sources enter the domestic wastewater infrastructure but are often not removed by wastewater treatment plants (WWTPs) due to their small size and buoyancy.^{13,19,20} WWTPs have been identified as point sources for microplastic in marine environments. For example, in the United Kingdom, coastal WWTP disposal sites had >250% more microplastic than reference sites, despite over a decade passing since the termination of dumping UK sewage sludge at marine-disposal sites.¹³

Microplastic interacts with organisms in the ocean in multiple ways, including ingestion by consumers, facilitating accumulation of persistent organic pollutants (POPs) into food webs, and the selection of unique assemblages of colonizing microbes. Microplastic ingestion has been documented for

marine organisms of varying sizes and trophic levels, from zooplankton to mammals,¹⁷ and microplastic can be transferred from prey to predators.^{21,22} Plastics can leach toxic chemicals such as polychlorinated biphenyl (PCB) and nonylphenols, which is a concern for water quality in general and for organisms that ingest plastic.²³ In addition, the hydrophobic surfaces of microplastic readily adsorb POPs that occur at low concentrations in the environment.¹⁸ Plastic pollution adsorbs levels of POPs up to 1 million times higher than ambient concentrations,^{23–25} and POPs can desorb inside organisms following ingestion, exacerbating POP bioaccumulation at higher trophic levels.^{26,27} Sorption kinetics of POPs on microplastic in variable conditions have only recently been explored (i.e., across salinity gradients and within digestive organs), and vary according to chemical properties of individual POPs.^{28,29}

Microplastic in the open ocean supports microbial biofilms that are distinct in taxonomic composition from the microbial assemblages of the surrounding water,³⁰ suggesting that microplastic surfaces represent a distinct microbial habitat and that processes carried out by microplastic-attached microbes might differ from those in the open water. Microplastic surfaces may also represent a novel mechanism

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for microbial species dispersal,³⁰ as plastic items can migrate rapidly among marine habitats.⁷

Whereas the ecological effects of microplastic have been documented in oceans, they have not been extensively measured in freshwaters.³¹ Recent studies have found microplastic in a remote lake in Mongolia³² and in Laurentian Great Lakes habitats including beaches³³ and surface waters at concentrations in the same range as marine studies.^{7,8} Much of the microplastic in the Great Lakes surface waters was suspected to be microbeads originating from consumer products in wastewater effluent.⁸

Rivers share many of the same sources of microplastic as marine and Great Lake ecosystems, and have less water volume for dilution. Therefore, urban rivers which receive WWTP effluent are likely to have high microplastic concentrations. Rivers may retain microplastic or transport it to downstream lakes and coastal environments, with the potential for numerous biological interactions with river biota. Thus, microplastic could have significant effects on river ecosystems, and rivers may play a significant role in the global microplastic "life cycle".³⁴ Currently, the abundance of microplastic, its interaction with organisms, and its effects on ecosystem processes in rivers are unknown.

The objective of this study was to measure the microplastic concentration in an urban river and assess WWTP effluent as a potential point source. We hypothesized that microplastic concentrations would be significantly higher downstream of a WWTP effluent input than upstream. Further, we hypothesized that bacterial biofilms colonizing microplastic would differ in composition from bacterial assemblages in adjacent habitats (water column and suspended organic matter) and would include bacteria associated with domestic wastewater.

METHODS

Study Site. The North Shore Channel (NSC) in Chicago, Illinois (IL), USA (42.022, -87.710) is a 12-km man-made channel built in 1910 that receives water from Lake Michigan at Waukegan, IL and joins the North Branch of the Chicago River at Foster Ave in Chicago, IL. Treated wastewater effluent from the Terrence J. O'Brien Water Reclamation Plant flows into the NSC approximately 5.6 km upstream of its confluence with the Chicago River. The O'Brien Plant is an activated sludge plant that treats domestic wastewater. It has an average flow of 927 million liters per day and effluent is not disinfected prior to release. The NSC is part of the hydrologically complex Chicago Area Waterways System (CAWS), which is highly urbanized and contains several large WWTPs. CAWS drains into the Illinois River, then the Mississippi River, and may thereby introduce microplastic to downstream river and marine environments.

Microplastic Collection and Quantification. Microplastic was collected with two neuston nets (0.92 × 0.42 m and 0.36 × 0.41 m) of 333- μ m mesh on September 13, 2013. The nets were deployed simultaneously behind a stationary boat. Water velocity was measured at the center of each net during each deployment (Marsh-McBirney Flo-Mate model 2000 Portable Flowmeter, Loveland, CO). After 20 min, all collected material was rinsed from the net into 1-L Nalgene containers ($N = 4$ downstream and 4 upstream) with ~250 mL of unfiltered site water, and then placed into a cooler on ice for transport to the laboratory where they were stored at 4 °C until measurement of microplastic concentrations.

To collect samples for bacterial measurements, additional net samples were collected ($N = 4$ downstream). Material from the nets was rinsed onto a sterile white tray. Individual microplastic particles were picked using sterilized forceps and placed in a 160-mL sterile specimen container with 20 mL of site water. Organic material from the sample was removed in the same fashion. To measure water column bacteria, 2-L samples of unfiltered site water from the water column at the upstream and downstream sites were collected. The specimen containers and 2-L water column samples were transported on ice to the laboratory where they were stored at 4 °C until processing. Samples for DNA extraction were processed within 72 h, and samples for microplastic counts were processed within 4–5 d. Also collected were triplicate, 20-mL filtered water samples (glass microfiber filter; GF/F; Sigma-Aldrich Co., St. Louis, MO) to measure dissolved nutrients at the upstream and downstream sites. Filtered water samples were frozen at -20 °C until solute analyses.

A protocol designed for the quantification of marine samples to measure microplastic concentrations was adapted for this study.^{32,35} Samples from the net collections were first run through 2-mm and 330- μ m stacked sieves. The remaining 0.330–2 mm fractions were stored in glass beakers in a drying oven at 75 °C for 48 h. Organic material was degraded through a wet peroxide oxidation (0.05 M Fe(II) and 30% hydrogen peroxide) at approximately 75 °C. Plastic is resistant to wet peroxide oxidation.^{32,35} Samples then went through a salinity-based density separation using sodium chloride, where microplastic floated and heavier inorganic material was drained from the sample.³⁵ Microplastic was filtered and counted under a dissecting microscope. Because of the abundance of microplastic and the tendency of particles to stick to the filter (especially plastic fibers), particles were counted using a subsample approach. For each sample, 5 random subsamples of the filter were counted. Each subsample was 3% of the filter area. The microplastic type (i.e., fragment, pellet, foam, or fiber) was recorded for each particle in each field of view. The mean value from 5 subsamples was scaled up in proportion to the whole filter to determine microplastic abundance for the sample. Concentration was calculated by dividing the number of particles by water volume (no. items m⁻³), or surface area (no. items km⁻²). All reagents were checked for microplastic contamination, and none was found. Control samples were processed identically to environmental samples to measure procedural contamination ($N = 4$). No microplastic contamination of fragments, pellets, or foam was found. Mean (\pm SE) procedural contamination by microplastic fibers was 4.5(\pm 1.2) per sample, which was subtracted from each environmental sample. This represented 0.9% of fibers per sample from samples downstream of WWTP effluent and 9.3% from upstream.

Scanning Electron Microscope (SEM) Imaging. Microplastic pieces were placed in Karnovsky's Fixative for 24 h at 4 °C, followed by a buffer wash using 0.2 M sodium cacodylate. Samples were then postfixed with 2% osmium tetroxide, and dehydrated using a graded ethanol series (10–15 min each in 30%, 50%, 75%, 95%, followed by 3 × 10–15 min in 100% ethanol). Samples were dried using a Polarion E3000 Critical Point Dryer, mounted on aluminum SEM stubs using double-sided carbon sticky tabs. Samples were then coated with 30 nm of Gold Palladium using a Hummer 6.2 Sputter Coater. We viewed samples using a Cambridge Instruments S240 scanning electron microscope. Randomized fields of view ($N = 5$) were

photographed from microplastic fragments ($N = 3$) and pellets ($N = 3$) to quantify microbial cell densities.

DNA Extraction and Sequencing. DNA was extracted from samples of microplastic, suspended organic matter, downstream water column, and upstream water column using MoBio Powersoil DNA extraction kits (MoBio Laboratories, Carlsbad, CA). For the microplastic and organic matter samples, material collected manually from the net samples was placed into 2-mL microcentrifuge tubes for DNA extraction. For the water column samples, 500 mL of 2-L water samples was filtered using Millipore Sterivex 0.22- μm filter cartridges ($N = 4$ downstream and 4 upstream). The filters were removed from cartridges, cut with a sterilized razorblade, and placed into 2-mL microcentrifuge tubes for DNA extraction.³⁶ For all samples, successful DNA isolation was confirmed by agarose gel electrophoresis.

Bacterial assemblages were profiled via next-generation amplicon sequencing of 16S rRNA genes. PCR amplification was performed by the DNA Services Facility, University of Illinois at Chicago, using primers 515F and 806R, which amplify the V4 hypervariable region of bacterial and archaeal 16S rRNA genes.³⁷ Amplicons were sequenced in a paired end format using the Illumina MiSeq platform³⁸ by the Genomics Core Laboratory, Michigan State University. Sequences were processed by using MOTHUR v.1.33.0 as previously described.³⁹ Briefly, paired reads were assembled and demultiplexed, and any sequences with ambiguities or homopolymers longer than 8 bases were removed from the data set. Sequences were aligned using the SILVA-compatible alignment database available within MOTHUR. Sequences were trimmed to a uniform length of 253 base pairs, and chimeric sequences were removed using Uchime.⁴⁰ Sequences were classified using the MOTHUR-formatted version of the RDP training set (v.9), and any unknown (i.e., not identified as bacterial), chloroplast, mitochondrial, archaeal, and eukaryotic sequences were removed. Sequences were clustered into operational taxonomic units (OTUs) based on 97% sequence identity. To avoid biases associated with uneven numbers of sequences across samples, the entire data set was randomly subsampled to 101 845 sequences per sample. All of the sequence data analyzed in this paper can be downloaded from the National Center for Biotechnology Information (NCBI) Sequence Read Archive (SRA) with accession number SRP042978.

Water Chemistry. Water samples were analyzed for soluble reactive phosphorus (SRP), ammonium (NH_4^+), and nitrate + nitrite (NO_x^-) using an AutoAnalyzer 3 (Seal Analytical, Inc., Mequon, WI, USA). SRP was measured using the antimonyl tartrate technique,⁴¹ NH_4^+ was measured with the phenol hypochlorite technique,⁴² and NO_3^- was measured with the cadmium reduction technique.⁴³ Nitrite (NO_2^-) was measured without cadmium reduction, and nitrate (NO_3^-) was calculated as the difference between NO_x^- and NO_2^- .

Data Analysis. To compare microplastic abundance, cell density, and nutrient concentrations upstream and downstream of WWTP effluent, the nonparametric Mann–Whitney U-Test was used in SYSTAT 13.0 (Systat, Inc. Chicago, IL) because the data were not normally distributed and could not be transformed for normal distribution. The bacterial assemblages on samples of microplastic, organic matter, upstream water column, and downstream water column were compared by calculating the Bray–Curtis similarity index for each pair of samples and visualizing the resulting distance matrix using

nonmetric multidimensional scaling (nMDS) run within MOTHUR. The statistical significance of differences in assemblages between sample types based on the Bray–Curtis index was assessed by AMOVA run within MOTHUR. Microbial diversity based on observed numbers of OTUs, Chao1 richness, and the inverse Simpson and Shannon–Weiner (H') indices were calculated for each sample using MOTHUR. We used one-way ANOVA to assess the effects of sample type on microbial diversity followed by Tukey's multiple comparison test. Bacterial genera making the largest contributions to the dissimilarities between sample types (based on Bray–Curtis) were identified by a SIMPER analysis run in Primer 6 (Primer-E Ltd., Plymouth, United Kingdom). Two analyses were completed with SIMPER: comparing upstream to downstream water columns and comparing plastic to nonplastic downstream substrates (organic matter and downstream water column). For all genera identified as contributing to dissimilarities between sample types, a t test was completed to determine whether there were statistically significant differences in the relative abundances of the genera between samples types. All ANOVAs and t tests were completed in SYSTAT 13.0 (Systat, Inc. Chicago, IL).

RESULTS

Microplastic Concentration. Microplastic was found in each net sample, and concentration was higher downstream of WWTP effluent than upstream (Mann–Whitney U Test = 15.00; p -value = 0.043; Table 1; Figure 1). Mean (\pm SE)

Table 1. Mean (\pm SE) Microplastic Concentration and Water Column Nutrients Upstream and Downstream of the Terrence J. O'Brien Wastewater Treatment Plant in the North Shore Channel, Chicago^a

parameter	upstream	downstream	U-value	p-value
Microplastic Concentration (no. m^{-3})				
total	1.94(0.81)	17.93(11.05)	15	0.043
fragments	0.73(0.24)	6.65(3.09)	15	0.043
pellets	0.00(0.00)	0.45(0.25)	14	0.047
styrofoam	0.00(0.00)	0.25(0.07)	16	0.014
fibers	1.21(0.59)	10.57(8.26)	15	0.043
Nutrient Concentrations ($\mu\text{g L}^{-1}$)				
SRP	<4(<4)	693(19)	9	0.037
NH_4^+	58(2)	620(2)	9	0.050
NO_x^-	162(9)	7198(78)	9	0.050
NO_2^-	2(0)	160(0)	9	0.050
NO_3^-	160(9)	7038(77)	9	0.050
DIN	181(16)	7405(280)	9	0.050

^aU-value and p-value data were determined by the Mann–Whitney test. Abbreviations: SRP = soluble reactive phosphorus, NH_4^+ = ammonium, NO_x^- = nitrite + nitrate, NO_2^- = nitrite, NO_3^- = nitrate, and DIN = dissolved inorganic nitrogen. For microplastic, $N = 4$ upstream and 4 downstream, and for solutes, $N = 3$ upstream and 3 downstream.

microplastic concentrations were 1.94 (0.81) m^{-3} upstream and 17.93 (11.05) m^{-3} downstream. Mean (\pm SE) upstream and downstream concentrations per unit area were 730 341 (279 341) km^{-2} and 6 698 264 (3 929 093) km^{-2} , respectively. Categories of microplastic were different between sites (Table 1). Foam and pellets were found only in downstream samples, and concentrations of foam and pellets were relatively low compared to fragments and fibers. All nutrient concentrations

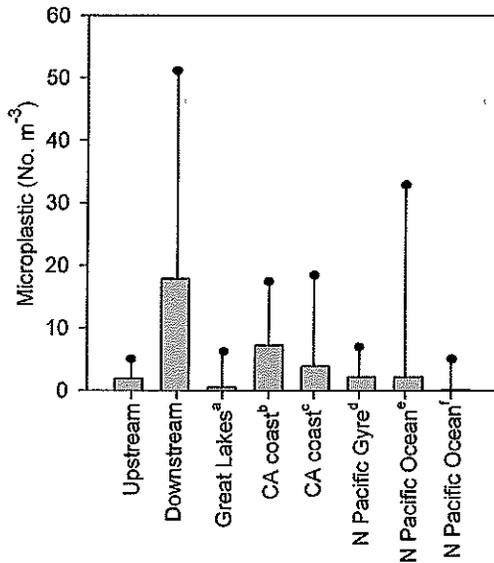


Figure 1. Mean and maximum microplastic concentrations at our study sites upstream and downstream of a WWTP in the North Shore Channel relative to values from the literature. Citations: a = Eriksen et al.,⁸ b = Moore et al.,⁹ c = Lattin et al.,¹⁰ d = Moore et al.,⁶ e and f = Goldstein et al.⁴⁴

were significantly higher downstream of WWTP effluent (Table 1).

Microbial Colonization of Microplastic. SEM imaging revealed extensive microbial colonization of microplastic pellets and fragments (Supporting Information (SI) Figure S1). No fungal hyphae or algal cells were observed under SEM, suggesting that the cells colonizing the microplastic were mainly prokaryotic. Cell density varied from 0.000 to 0.304 cells μm^{-2} in the randomized SEM fields of view, and cells were found in aggregates on microplastic. Mean (\pm SE) cell density colonizing downstream microplastic was 0.037 (0.012) cells μm^{-2} on pellet particles and 0.063 (0.032) cells μm^{-2} on fragments. There was no significant difference in cell densities on pellets relative to fragments (Mann–Whitney $U = 5.5$, $p = 0.658$).

Diverse bacterial assemblages were found on microplastic, as well as within upstream water column, downstream water column, and on downstream organic material, with a mean number of observed OTUs of 3023, 2795, 3630, and 4264, respectively. Mean coverage of sampling, calculated by dividing the number of observed OTUs by the Chao1 richness estimator, for the upstream water column, downstream water column, organic material, and microplastic was 72.5%, 78.5%, 73.2%, and 72.1%, respectively. Downstream water column and organic material samples had a higher number of observed OTUs, Chao1 richness index, and diversity (both as inverse Simpson's and Shannon–Weiner) than the upstream water column and microplastic samples (Figure 2).

Bacterial assemblages were significantly different among sample types (Figure 3). Bray–Curtis index scores were significantly different when comparing all sample types (p -value < 0.001) and when comparing any one category to another (SI Table S1). There were clear differences among the 4 sample types in the relative abundance of bacteria OTUs at the family level (Figure 4). The 3 most common bacteria families were different in each sample type. The most common

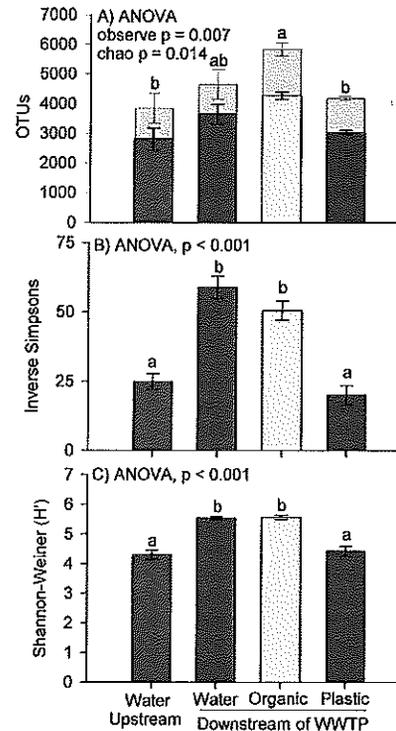


Figure 2. (A) Number of observed bacterial operational taxonomic units (OTUs) (colored) and estimate of total number of bacterial OTUs based on Chao1 richness estimator (gray); (B) inverse Simpson diversity index, and (C) Shannon–Weiner diversity index (H') for North Shore Channel bacterial assemblages. P -values are from 1-way ANOVA comparing among 4 categories, letters show Tukey's test results.

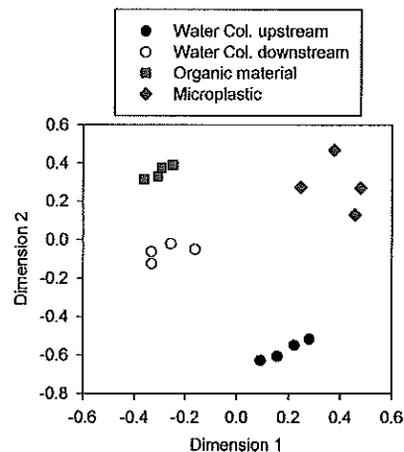


Figure 3. Nonmetric multidimensional scaling (nMDS) ordination of 16S sequencing data (Bray–Curtis dissimilarity) comparing assemblages of bacteria collected in the North Shore Channel.

in the upstream water column were Actinomycetales, Proteobacteria, and unclassified bacteria, and in the downstream water column the most common were unclassified bacteria, Moraxellaceae, and Comamonadaceae. The most common families in the organic material included Rhodocyclaceae, unclassified bacteria, and Thiotrichaceae, and on plastic the most common were Pseudomonadaceae, Proteobacteria,

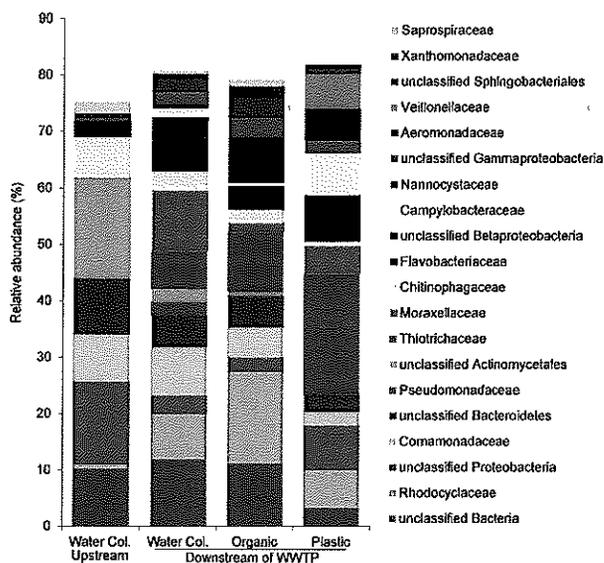


Figure 4. Relative mean abundance of 20 most abundant bacterial families based on 16S sequencing data for samples collected in the North Shore Channel.

and Campylobacteraceae (Figure 4). The large abundances of Pseudomonadaceae and Campylobacteraceae on plastic were especially notable. Pseudomonadaceae accounted for 19.0% of total sequences on the plastic but <1% of the total sequences from the upstream water column and organic material and 2.4% of total sequences from the downstream water column. Similarly, Campylobacteraceae accounted for 7.4% of total sequences on the plastic but <1% of the total sequences from the upstream water column and organic material and 1.7% of total sequences from the downstream water column.

There were 46 OTUs that accounted for 66.6% of the variation between plastic and nonplastic downstream substrates (Table 2). The genus contributing most to this variation was *Pseudomonas* (14.0% of variation), as *Pseudomonas* sequences were 15 times more abundant on plastic than nonplastic. Other groups significantly higher on plastic than nonplastic substrates were *Arcobacter*, *Aeromonas*, and unclassified Veillonellaceae, while *Thiothrix*, *Zoogloea*, Bacteroidetes, Comamonadaceae, and Sphingobacteriales abundances were significantly higher on the nonplastic substrates than plastic. There were 52 OTUs that contributed to 87.8% of the variation in downstream water column and upstream water columns bacterial assemblages (SI Table S2). Actinomycetales and Proteobacteria were significantly more abundant in the upstream water column than downstream. Whereas mean abundance of *Zoogloea*, *Acinetobacter*, Moraxellaceae, *Flavobacterium*, and *Thiothrix* in the downstream water column ranged from 4.9 to 6.7%, the mean abundance upstream for all of these groups was <1% (SI Table S2).

DISCUSSION

Recent research has revealed that microplastic is widespread in marine environments and the Laurentian Great Lakes,^{8,13,17} and researchers documenting microplastic in these environments have suggested the potential for rivers to serve as a microplastic source.^{8,17} However, data to confirm this suggestion are lacking. To compare microplastic concentrations from this urban river to published values, we performed a literature review using

many studies referenced in a recent review paper¹⁷ and studies identified by a Google scholar search (search date = December 2013, search terms = “microplastic concentration”, “surface water”, “ocean”, “river”, and “lake”). We narrowed the selection to only those studies which used similar nets and reported measurements as number of items per water volume or surface area. Microplastic abundance downstream of the WWTP in this study was higher than concentrations from several studies in the open ocean,^{6,44} and the maximum concentration in this study was above the maximum values from other studies (Figure 1). In addition, microplastic concentration downstream of the WWTP in this study was comparable to maximum coastal concentrations after storms (Figure 1), which are acknowledged to be periods of high microplastic abundance.^{9,10} Results demonstrate that this site had microplastic abundance equal to or higher than the oceans and Great Lakes, which has important implications for riverine biota and ecosystem processes in urban rivers.

Microplastic particles at our study site were colonized by dense bacterial biofilms, and the taxonomic composition of these biofilms was distinct from the bacteria in the water column and suspended organic matter, even though microplastic and organic samples were collected simultaneously in the same nets and thus were in intimate physical contact. The microplastic biofilms were also significantly less diverse than the bacterial assemblages in the downstream water column and suspended organic matter. These results indicate that microplastic surfaces select for a unique suite of bacteria. Recent research focused on freshwater systems has found that larger fragments of inert anthropogenic litter material (i.e., plastic, glass, metal) also support distinct microbial biofilms as compared to those on organic substrates.³⁴

It is unclear if the microplastic bacterial assemblage was selected simply by the hard surface of the microplastic or by the chemical composition of the microplastic (i.e., plastic-degrading organisms). Plastic polymers such as polyethylene and polystyrene are considered to be nonbiodegradable, but photo- or thermo-oxidation can facilitate biodegradation.⁴⁵ Under microscopic inspection, many of our microplastic particles contained jagged edges, which suggests they may have formed from the fragmentation of larger plastic pieces.^{17,18} One of the dominant bacterial taxa within the microplastic biofilm assemblages, which was present at very low abundance in the nonplastic bacterial assemblages, was the genus *Pseudomonas*, which has been highlighted in previous studies of plastic biodegradation. For example, strains of *Pseudomonas* can degrade poly(vinyl alcohol) (PVA) and utilize it as a carbon source.⁴⁶ Under laboratory conditions, *Pseudomonas* spp. degraded over 20% of polythene sample mass in 1 month.⁴⁷ Polypropylene has also been biodegraded by *Pseudomonas*.⁴⁸ Therefore, the high abundance of *Pseudomonas* spp. on the microplastic from our study site suggests that the microplastic may be selecting for bacteria capable of decomposing the plastic compounds. Some fungal taxa are also known to be capable of plastic degradation.⁴⁹ We did not observe any fungal hyphae on the microplastic from our study sites, but the use of molecular approaches to assess possible fungal colonization of microplastic should be considered in future studies.

The high abundance of microplastic at our downstream sampling site compared to the upstream site indicates that WWTP effluent was a point source of microplastic to this river. Microplastic types included fibers and pellets associated with synthetic textiles and personal care and cleaning products,

Table 2. Bacterial OTUs Making the Most Significant Contribution to Variation between Communities from Plastic and Non-Plastic Sample Types Downstream of the WWTP^a

taxon	nonplastic	plastic	p-value	contribution to variation (%)	cumulative contribution (%)
<i>Pseudomonas</i>	1.13	17.81	<0.001	13.95	13.95
unclassified Bacteria	11.57	3.34	<0.001	6.88	20.83
<i>Thiothrix</i>	8.67	2.27	<0.001	5.34	26.17
<i>Arcobacter</i>	1.02	6.57	<0.001	4.64	30.81
<i>Aeromonas</i>	0.38	5.27	<0.001	4.09	34.90
unclassified Veillonellaceae	0.02	4.04	0.003	3.37	38.27
<i>Zoogloea</i>	5.83	2.00	<0.001	3.20	41.47
unclassified Bacteroidetes	5.59	3.29	0.001	1.92	43.39
unclassified Comamonadaceae	3.27	1.12	<0.001	1.80	45.19
unclassified Sphingobacteriales	2.39	0.75	0.003	1.38	46.57
<i>Zymophilus</i>	0.00	1.60	0.003	1.33	47.90
<i>Hydrogenophaga</i>	1.67	0.10	0.008	1.31	49.21
unclassified Actinomycetales	1.46	0.08	0.013	1.15	50.36
unclassified Myxococcales	1.42	0.18	0.005	1.04	51.40
<i>Aquabacterium</i>	0.41	1.52	0.027	0.99	52.39
unclassified Chitinophagaceae	1.72	0.60	<0.001	0.94	53.33
unclassified Pseudomonadaceae	0.12	1.10	0.001	0.82	54.15
<i>Thauera</i>	1.05	0.13	<0.001	0.77	54.92
unclassified Xanthomonadaceae	1.21	0.30	0.017	0.75	55.67
<i>Sediminibacterium</i>	1.13	0.23	0.024	0.75	56.42
unclassified Oxalobacteraceae	0.21	1.08	<0.001	0.73	57.15
<i>Desulfovibrio</i>	0.03	0.85	0.002	0.69	57.84
<i>Albidiferax</i>	0.98	0.16	0.002	0.68	58.52
<i>Sulfurospirillum</i>	0.09	0.83	<0.001	0.62	59.14
<i>Shewanella</i>	0.02	0.70	<0.001	0.56	59.70
<i>Nitrospira</i>	0.86	0.23	0.016	0.53	60.23
unclassified Chlamydiales	0.56	0.04	0.047	0.43	60.66
unclassified Alphaproteobacteria	0.93	0.43	0.001	0.42	61.08
<i>Prostheco bacter</i>	0.60	0.09	0.011	0.42	61.50
unclassified Ruminococcaceae	0.04	0.51	<0.001	0.39	61.89
unclassified Porphyromonadaceae	0.06	0.51	<0.001	0.37	62.26
<i>3_genus_incertae_sedis</i>	0.63	0.19	0.043	0.37	62.63
unclassified Burkholderiales	0.88	0.47	0.042	0.36	62.99
<i>Bacteroides</i>	0.21	0.64	0.002	0.35	63.34
unclassified Rhodobacteraceae	0.55	0.14	<0.001	0.35	63.69
<i>Prevotella</i>	0.03	0.45	<0.001	0.35	64.04
unclassified Saprospiraceae	0.51	0.12	0.002	0.33	64.37
<i>Anaerostinus</i>	0.00	0.37	0.002	0.31	64.68
<i>Desulfobulbus</i>	0.05	0.39	0.001	0.29	64.97
unclassified Rhizobiales	0.45	0.13	0.005	0.27	65.24
unclassified Deltaproteobacteria	0.36	0.06	0.004	0.25	65.49
<i>Mycobacterium</i>	0.33	0.05	0.004	0.24	65.73
unclassified Acidimicrobiales	0.30	0.03	<0.001	0.23	65.96
<i>Halticomenobacter</i>	0.33	0.07	0.01	0.22	66.18
<i>Turneriella</i>	0.32	0.08	0.004	0.21	66.39
unclassified Bacteroidales	0.03	0.26	<0.001	0.20	66.59

^aEach data point is the mean abundance. P-value is based on a *t*-test comparison of plastic downstream samples and non-plastic downstream samples.

respectively. These microplastic particles can enter the domestic wastewater stream through normal use of these products. Many common wastewater treatment methods, including the activated sludge system in use at our study site, are not designed to remove nonbiodegradable particles in the microplastic size range, resulting in their release to the environment.^{8,20} The transport of microplastic through the domestic wastewater stream creates the opportunity for colonization by wastewater-associated microorganisms, and

might provide a vehicle for the transport of these organisms within aquatic ecosystems.

The family Campylobacteraceae includes multiple taxa associated with human gastrointestinal infections such as gastroenteritis^{50,51} and Campylobacteraceae was one of the most predominant families on microplastic at our study site (7.4%). Campylobacteraceae sequences were more than 4 times more abundant on the microplastic than in the downstream water column and more than 13 times more abundant on the microplastic than in the suspended organic matter, demonstrat-

ing that Campylobacteraceae have a strong affinity for microplastic. Several other genera that contain pathogenic taxa (e.g., *Aeromonas*, *Arcobacter*, and *Pseudomonas*)⁵² were also significantly higher on microplastic compared to nonplastic samples (Table 2). We note that not all members of these genera or the family Campylobacteraceae are pathogenic, but their high abundance on microplastic originating from the WWTP at our study site suggests significant colonization of microplastic by wastewater-associated organisms and indicates that microplastic may be a novel pathway for transporting disease-causing bacteria into waterways. Further research will be needed to assess the transport of microplastic within river ecosystems and the persistence of potentially pathogenic, wastewater-associated organisms.

The influence of wastewater effluent on the composition of the downstream microbial assemblages was also demonstrated by the more than 200-fold higher abundance of *Zooglea* sequences in the downstream water compared to the upstream water. *Zooglea* is a genus of aerobic chemoorganotrophic bacteria that are key players in aerobic wastewater treatment systems due to their ability to degrade organic carbon and promote floc formation.⁵³ *Zooglea* sequences were abundant in all of the downstream samples, including water column, organic matter, and microplastic, but in contrast to Campylobacteraceae, *Zooglea* were significantly more abundant on nonplastic samples compared to microplastic.

Our results represent the first exploration of microbial assemblages colonizing microplastic in a freshwater ecosystem. The fact that WWTP effluent was a point source of microplastic is significant because transport through the wastewater system creates the opportunity for colonization by pathogenic bacteria common in wastewater, and our results suggest that potentially pathogenic bacteria may have an affinity for microplastic. The link between microplastic and WWTP effluent is also significant because WWTP effluent typically contains higher concentrations of inorganic nutrients than receiving waters, and indeed at our study site the downstream water had dramatically higher concentrations of inorganic nutrients than the upstream water. Elevated levels of nutrients in effluent are likely to stimulate bacterial biofilm growth, suggesting that microplastic entering the environment via WWTP effluent may support more biofilm biomass than microplastic entering via other pathways. Higher biofilm mass on wastewater-associated microplastics could have significant implications for bacterially driven ecosystem processes such as C and N cycling. Biofilm mass may also impact interactions of microplastic with higher trophic levels, as aquatic invertebrates have been shown to prefer to feed on detritus that has been extensively colonized by microbes.^{54–56}

Our results suggest that urban rivers represent an overlooked and potentially important source of microplastic to downstream environments. We acknowledge the limited geographic range of this study, and stress that more studies are needed to assess the abundance, movement, retention, and ecological effects of microplastic in rivers. Results from this study and future research will contribute to public and ecological health by informing mitigation and prevention strategies which can reduce microplastic accumulation and biological impacts in rivers.

■ ASSOCIATED CONTENT

Supporting Information

Figure showing SEM images from microplastic samples; 3 tables illustrating results from pair-wise comparisons of the

entire bacterial communities among 4 sample types and showing which genera explained the most variation in microbial community composition among sample types. This material is available free of charge via the Internet at <http://pubs.acs.org>.

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Notes

The authors declare no competing financial interest.

■ ACKNOWLEDGMENTS

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Morris, Carolyn

From: Joel Tyner [joeltyner@earthlink.net]
Sent: Wednesday, October 07, 2015 5:31 PM
To: County Legislators
Subject: Colleagues-- Fw: MICROBEADS LOCAL LAW (info directly from GOP-led Chautauqua Co. Leg.; Suffolk unanimous too)...
Attachments: LL Intro 2-15 - Print 2 - Microbeads.doc; MLEG92315.pdf

Hi all...

I've known for a while that the GOP-led Erie County Legislature voted unanimously this summer to ban microbeads there...
<http://www.buffalonews.com/city-region/erie-county/legislature-bans-microbeads-in-erie-county-20150730>

...and just for a few weeks now that the GOP-led Chautauqua County Legislature voted unanimously recently to ban microbeads too...
<http://www.buffalonews.com/city-region/chautauqua-county/chautauqua-county-legislature-enacts-ban-on-plastic-microbeads-20150923>

...but frankly, it's only this afternoon that I learned that the Suffolk County Legislature literally just now voted unanimously to do the same...
<http://longisland.news12.com/news/suffolk-legislature-passes-ban-on-microbeads-1.10930472>

C'mon folks-- let's get Dutchess to be the fourth...

Joel

[attached to this email and below-- info directly from GOP-led Chautauqua County Legislature-- let's follow their lead!]

-----Forwarded Message-----

From: "Tampio, Kathy"
Sent: Oct 7, 2015 4:42 PM
To: "joeltyner@earthlink.net"
Subject: MICROBEADS LOCAL LAW

Joel,

Please see the attached Local Law passed on September 23, 2015 by the Chautauqua County Legislature. I left it in word so you could utilize for your proposed Local Law - it was unanimously adopted by those present (18 yes, 1 absent).

Also find attached the minutes from the 9/23/2015 Legislature meeting.
Let me know if there is anything else you need.

Kathy

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LOCAL LAW
INTRODUCTORY NO. 2-15
CHAUTAUQUA COUNTY
Print 2

A LOCAL LAW PROHIBITING THE SALE OF PERSONAL CARE PRODUCTS
CONTAINING MICROBEADS IN CHAUTAUQUA COUNTY

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York,
as follows:

Section 1. Legislative Findings and Intent

The Chautauqua County Legislature hereby makes the following findings and determinations:

- a) Microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal care products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Chautauqua County's environment. Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain. Microbeads have been found in high quantity in New York State's water bodies, and in particular, the waters of Lake Erie.
- b) Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal care products. Without significant and costly improvements to Chautauqua County's sewage treatment facilities, microbeads contained in personal care products will continue to pollute Lake Erie, Chautauqua Lake, and other water bodies and waterways within Chautauqua County.

Section 2. Definitions

As used in this local law, the following terms shall have the meanings indicated:

- a) "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.
- b) "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal care product" shall not include any product for which a prescription is required for distribution or dispensation as provided in Section two hundred eighty-one of New York State Public Health Law or Section six thousand eight hundred ten of New York State Education Law, as may be amended from time-to-time.

Section 3. Restrictions on the Sale of Microbeads in Chautauqua County

It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal care product which contains microbeads as defined herein.

Section 4. Enforcement

- a) The County of Chautauqua through its Department of Weights and Measures shall have sole jurisdiction to enforce the provisions of this local law.
- b) Any person, firm, corporation, or other entity who violates Section 3 of this local law shall be liable for a civil penalty not to exceed one thousand dollars. For a second or subsequent violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed twenty five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.
- c) The Chautauqua County Department of Law may bring an action in the name of Chautauqua County or the Chautauqua County Department of Weights and Measures to recover the civil penalty provided by this local law in any court of competent jurisdiction.

Section 5. Reverse Preemption

This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Chautauqua. The Chautauqua County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Section 7. Effective Date

This local law shall become effective on February 15, 2016.

Adopted by Legislature: 9/23/15 (Message of Necessity in Effect)
Public Hearing by County Executive: 10/8/15

Regular Meeting
Chautauqua County Legislature
Wednesday, September 23, 2015, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announce a quorum present. (Absent: Runkle)

Legislator Niebel delivered the prayer and pledge of allegiance.

MOVED by Legislator Lemon, SECONDED by Legislator Heenan the minutes were approved. (8/26/15)

1st Privilege of the Floor

My name is Nate Drag, I live on ?15 Ashland Drive in Buffalo, New York. I am here to address Local Law Intro. 2-15. I am here as a representative of the Alliance of the Great Lakes, a regional environmental organization that works with citizens, (*inaudible*), and businesses in all 8 Great Lake states, including volunteers here in Chautauqua County. I'm also here as someone who grew up in Dunkirk, New York and life guarded on the beaches of Point Gratiot and Lake Park in high school and college. Strangely, that led me down a career path in environmental work and speak with you today about this important issue. Prohibiting the sale of personal cosmetic products that contain plastic microbeads as Local Law Intro. 2-15 proposes, is an example of a policy that will help protect the great lakes for future generations. We know that certain personal care products contain plastic microbeads. As many as 350,000 per bottle. We know that these microbeads escape into our water way through wastewater treatment plants that are not equipped to filter them out. They estimate 19 tons of plastic microbeads enter New York State waters (*inaudible*). We know that these microbeads contribute to a staggering amount of micro-plastics in Lake Erie. It's estimated that 460,000 micro-plastic per square kilometer. We know that these plastics (*inaudible*) in water can attract hydro photo toxins like PCB's and DET's. We know that species have been found in the Great Lakes can consume these micro plastics. Studies have shown that at least one specimen of each species, for example, 25 different species had plastic in their digestive track. We also know that these toxins can bio accumulate in the food chain, (*inaudible*), predators. And we know that the best solution to this problem is to stop it at the source and no longer (*inaudible*) on sale, personal care products that contain (*inaudible*) plastic microbeads. We should only allow the sale of personal care products that use natural exfoliate that are proven biodegrade by (*inaudible*) sign and the American Society of (*inaudible*) materials which know for a fact that plastic can be shown to do.

I've outlined these facts in more detail in a letter of support for this bill that I sent to each Legislator and the County Executive that was signed by County, State, and National organizations. The variety of groups on this letter from local groups just as League of Women Conservation (*inaudible*) of Chautauqua County, regional groups such as the Western New York Environmental Alliance, and national group like the (*inaudible*) Institute that effect the impact and importance of this legislation. We also highlight the need for additional action by other counties, states, and the Federal government.

Local Law Intro. 2-15 allows for a feasible time line for the phase out of these products and creates a realistic enforcement plan that relies on the partnership of County agencies, concerned citizens and response of retailers. Through public outreach and education and support of community organization and the efforts of the County's Weights and Measures Department, we can all work together to stop this unnecessary harm to our waterways.

I also know that this is the beginning of the conversation on plastic pollution in the Great Lakes and other waterways. I applaud the Chautauqua County Legislature for being leaders in New York State and the nation by taking these important step and *(inaudible)* strong ban on personal care products that contain plastic microbeads. Plastic microbeads, as I said, are part of a larger plastic pollution problem. Each year our *(inaudible)* volunteers collect over 50,000 pounds of trash from the Great Lake shorelines with 75% of that trash being comprised partially of *(inaudible)* plastic. This past Saturday for example, a group of SUNY Fredonia students collected over 300 pounds of debris at Point Gratiot beach including over 200,000 individual plastic fragments that are smaller than 2 centimeters in size. With the size and scale of this plastic pollution problem, ending the needless dumping of 19 tons of some of the smallest plastic pieces, these plastic microbeads, and therefore some of the most easily injected by *(inaudible)*.

I would like to thank Legislator Borrello for his leadership on this issue and other important legislation to protect and preserve our precious lakes. We're pleased to partner with you to help Chautauqua County pass a strong local ban that would take out these microbeads to protect the great lakes for our children and grandchildren. Thank you.

My name is Dr. Sherri Mason, I'm a Profession of Chemistry at SUNY Fredonia. I live 33 Middlesex Drive in Fredonia, New York. I want to thank you all. Many of you saw me here. I was here a couple of weeks ago presenting on my research that lead to the legislation, Local Law Intro. 2-15 and I appreciate the invitation to come back and remind you and talk to a larger group about my research and my thoughts.

The legislation that you have before you is largely a result of research that was conducted by my research grant for the last few years. Since this summer I *(inaudible)* efforts. In 2012 we conducted the first ever survey of plastic pollution in the open waters of the Great Lakes. In analyzing our results, we were especially surprised by two points. One; is a large number of very small bits of plastics that comprised 75% of all the plastics that were floating on the water. These things are less than one millimeter in size and we literally count hundreds of thousands of them coming out of the Great Lakes. For the record, I don't get paid by the number of pieces of plastic I find. So there is absolutely no incentive for me to find more and more plastic in our water. I would prefer there not to be any and in fact, I don't get paid at all. In total, our research *(inaudible)* has received over the last three years, \$50,000 in research funding. All of that has been paid to students or to the chemicals that we use to do our work. I have not received a single dime as of yet.

In addition to the size of the particles that we have been finding, we were really surprised by the number of perfectly round colorful spheres of plastics that we found. And this led us to hypothesize that they were coming from personal care products like these you see in front of you. To validate our hypothesis, we started doing wastewater treatment plant analysis where we looked at dozens facilities both within New York State and outside of New York State. We looked at different size facilities from small localities to quite large using different treatment techniques and we found that more than 75% of these facilities, we could readily identify these perfectly sphere microbeads as being released into the effluent water.

Looking at the other end of the spectrum, we looked at (*inaudible*) assessment because we were all concerned about these microbeads in the fact that they may make their way into food (*inaudible*). We surveyed 25 species of fish as well as a double crested cormorant and found microbeads among the plastics within all 25 fish species as well as the double crested cormorant. So, what we know is the plastic is making its way from these products into the food we eat. But you don't have to just take my word for it because just last week this article came out, and I only made 10 copies. I'm sorry, I didn't realize how big the Legislature was but I'll leave these up here just in case you all want to grab one. This came out in Environmental Science and Technology.

We scientist estimated that 8 trillion microbeads are admitted every day into water ways of our nation and that is enough to cover more than 300 tennis courts. I think that number is so staggering that I want to say it again. Eight trillion every single day. So add that up over the course of the year. Industry and lobbyist will tend to recount these microbeads have not been shown to have a detrimental impact upon fish or humans. That is true. But the real question is, have them been shown not to have an impact upon fish and other wild life include humans. Basically, they haven't been proven to be a detriment but they also haven't been proven to be safe and this is simply because no one has looked so it's really easy to say, well, they are not a detriment but if no evidence, if no experiments have been done, then you don't know if they are safe either. So, what you have before you is a decision. Do we wait to see if these microbeads are having an impact before we act or do you take a precautionary approach. Do we ban them unless they've been proven to be safe? Our Great Lakes and all of us who live around the, who rely on them, who are amazed by their beauty every single day, are reeling still from the industrial legacy left to us by those who did not know and thus did not act. I think we need to pave a new path. We did not need these microbeads. There are alternatives, there are products on the market place right now that don't use microbeads and I urge you to support this ban on the sale of products that contain microbeads within Chautauqua County. Thank you very much.

My name is Rick Winters, my address is 26 Radcliff Drive, Getzville, New York. I'm here as a representative for the Personal Care Products Council out of Washington, D.C. They represent the cosmetics industry and I want to stress a point. We are in full agreement with what she said. The cosmetic industry is in full agreement to remove these microbeads products. But, I am going to make a suggestion that you don't just target the cosmetic industry. Go get them all. Go to the industrial uses where microbeads exist on way larger quantities than this. That should be the mission going forward to really make a meaningful change because we believe that these products with these plastic beads have to be removed. We support the Statewide initiative. I've had conversations with some of the folks here. I want to emphasis that we're not in opposition. We're looking for a different roll out where you can have a Statewide enforcement policy, not patch work but I also want to emphasize and would suggest that you pursue the industrial industry and has microbeads as well. Thank you.

John Jablonski, representing the Chautauqua Watershed Conservancy Board of Director, 413 North Main Street, Jamestown, New York. Board of the Chautauqua Watershed Conservancy has passed a motion supporting the adoption of this microbeads legislation by the Legislature. We commend the work of Legislator Borrello and the committees in preparation of this legislation and hope you move forward with it. Thank you.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing, no one, I will close the first privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 8/26/15**

**PRESENTATION: 2016 TENTATIVE BUDGET
 BY
 COUNTY EXECUTIVE VINCENT W. HORRIGAN**



2016 TENTATIVE BUDGET

**"Beyond the tipping point"
Chautauqua County is on the Move!!!**

Presented by:
Chautauqua County Executive
Vincent W. Horrigan

September 23, 2015

Chairman Gould, County Legislators, and my fellow Chautauqua County Citizens, good evening and thank you for attending my second budget presentation as your County Executive.

Twelve months ago, I stood before you with an opening slide which said, "Approaching the tipping point. Moving from surviving to thriving."

As I present my budget to you this evening, one year later, I am pleased to report that we have achieved our goal of moving beyond the tipping point and it is now clear Chautauqua County is on the move!



Last Year We Outlined: Our Work Ahead

- Fixing our structural deficit,
- Closing our budget gap: \$5,196,479 in 2016, and
- Building a healthy multi-year financial plan.

As you may recall our work over the last year required three focus areas:

First, we needed to move to the point where our reoccurring expenses were funded by our reoccurring revenues.

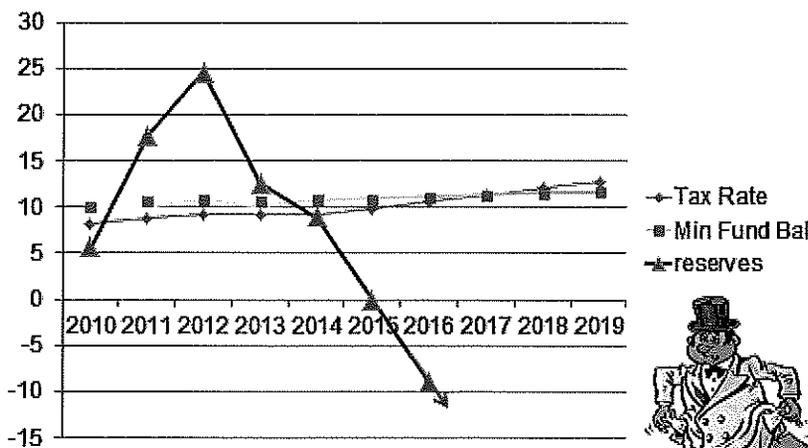
Second, we needed to close our over \$5 million budget gap to enable us to enact a structurally balanced budget.

Third, we needed to build a multi-year plan, which maintained a satisfactory emergency fund balance. This required us to address our dwindling reserves and then stop using our unobligated fund balance to plug our annual budget deficits, which would drive us into financial distress.

So let's briefly recap how we got to work and addressed our problem.



2014: With the County Home & 7.5% Sales tax (\$8 Million Structural Deficit)

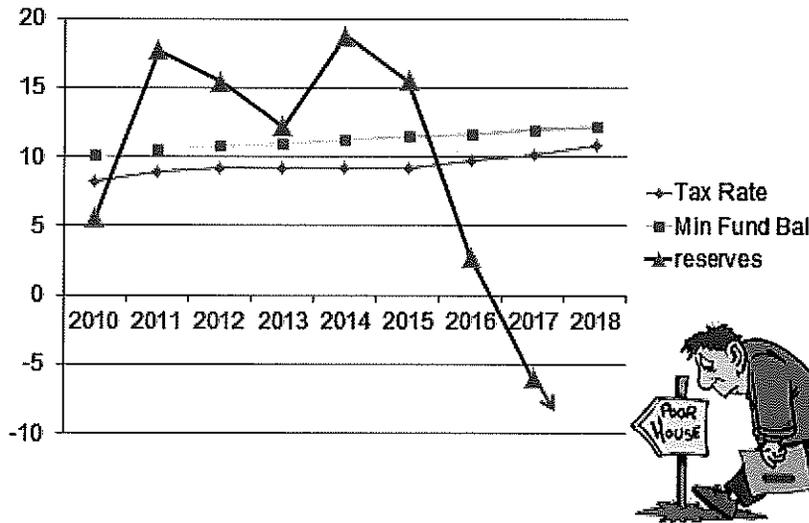


Last year at this time we were faced with two very bad choices.

The first was to hold the line on property tax increases and continue to spend down our reserves to the point where we would be bankrupt in 2016.

The second option was to maintain a minimum level of reserves and enact double digit increases in property taxes to keep us from going bankrupt. By 2018, this would have ballooned our property tax rate to \$11.50 per thousand with no relief in sight. This choice would have also started a mass exodus of businesses and homeowners, which would further damage our financial position.

**2015: Sold County Home & 7.5% Sales Tax
(\$6 Million Structural Deficit)**

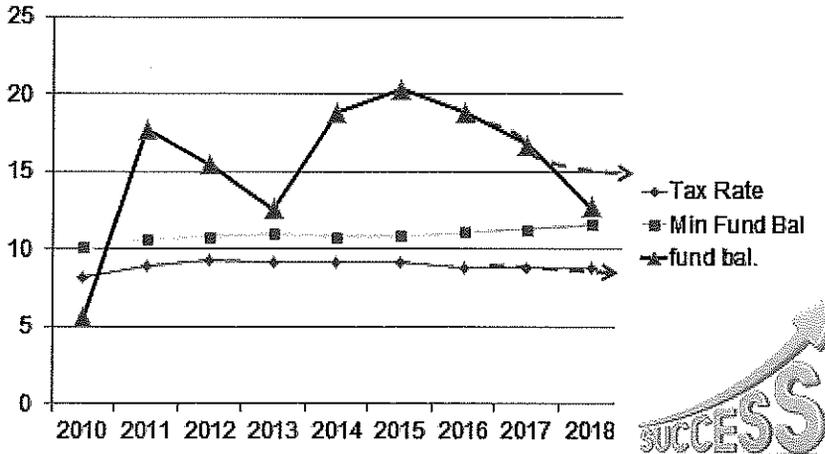


So the first step in our road to financial health was to privatize the former Chautauqua County Home, which we did on December 31, 2014 at 2:47 p.m.

This action replenished our fund balance to give us time to work on the structural deficit, which was now less than prior years but still at a challenging level of \$6 million.

Going forward the \$6 million structural deficit would eat away our newly replenished fund balance causing it to fall to an unacceptable level in 2016 and beyond. The only counter to protect our minimum fund balance beyond 2016 while keeping a 7.5% sales tax rate was to once again increase our property tax rate to double digit increases at a rate of 6% per year.

**2016: No County Home & 8% Sales Tax
(No 2016 Structural Deficit)**



The second step in our road to financial strength was clearly identified by the Deficit Reduction Commission. With the sale of our County Home now complete, it was time to bump our sales tax rate from 7.5% to 8%.

With the 8% sales tax rate we now have much better choices moving forward. First of all we have preserved our satisfactory fund balance while achieving a structurally balance budget for 2016.

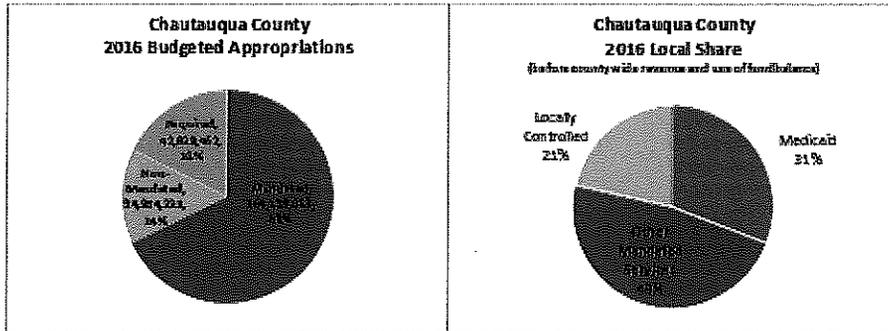
Second, and most important, we are now on a path of lower property taxes with major reductions in 2016 and more on the way for 2017.

This new era of lower property taxes in Chautauqua County will supercharge our growth strategy by attracting new businesses and home owners while retaining our existing property owners. Our future success hinges on growth and will bend our future deficit projections to acceptable levels.

This will give us time to grow our tax base in future years through lower property taxes and a stronger economy.

So now let's turn to our 2016 budget.

NYS Mandated vs. Local Discretionary Spending



The pie chart on the left reminds us that our property tax levy is consumed by 86% mandated and required services. This leaves only 14 cents on the tax dollar available for our quality of life services such as road maintenance, economic development, public safety, and services for our seniors and veterans.

The chart on the right shows 79% of our local share consumed by Medicaid and mandated services. So our ability to cut deeper into our budget will require that we eliminate many of our basic quality of life services our taxpayers have come to expect.



2016 Budget Highlights

- **Tips the scale in the right direction by:**
 - Meeting mandated service requirements,
 - Maintaining essential local services,
 - Increasing funding for our roads and bridges,
 - Reducing criminal justice costs by investing in probation and contracting for assigned counsel,
 - Reducing overall spending,
 - Implementing the largest property tax cut in 3 decades (maintains flat levy in 2017 which should further reduce property tax rate),

- **And.....**

My 2016 budget continues to deliver nearly the same level of mandated services.

Chautauqua County residents will continue to receive the same level of essential services, although we will be shifting some programs to other providers.

We will increase our investment in roads and bridges by \$500,000 as investing in our infrastructure is a key component of our growth strategy.

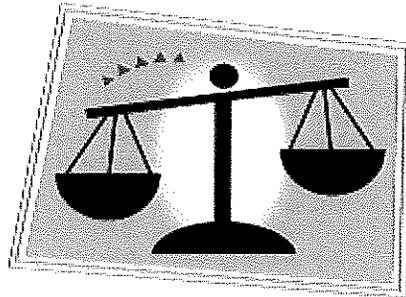
We will address the rising costs of our criminal justice system through an assigned council initiative with Cattaraugus County and by investing in two additional probation officers. These additional probation officers will allow us to boost supervision and better identify Release Under Supervision candidates.

For the second year in a row, we will cut Chautauqua County Government spending.

Most significantly, the 2016 budget will enact the largest year over year property tax cut in 30 years.

And....

Finally: Creating A Structural Balanced Budget that Eliminates Use of Unobligated Fund Balance!



Our Challenge: Preserving it Beyond 2016!

We will not use any of our unobligated fund balance to get the job done.

While this budget is truly significant in setting us on a positive path to growth, we must continue to be ever vigilant to keep us on track.

Summary of Expense by Account Classification (Governmental Funds)

Expense Classification	2015 Adopted Budget	2016 Tentative Budget	Amount Inc / (Dec)	Percent Inc / (Dec)
Personal Services	\$52,943,688	\$53,776,781	\$833,093	1.6%
Employee Benefits	<u>\$31,772,561</u>	<u>\$31,890,999</u>	<u>\$118,438</u>	<u>0.4%</u>
Subtotal Personal and Benefits	\$84,716,249	\$85,667,780	\$951,531	1.1%
Equipment	\$123,420	\$159,798	\$36,378	29.5%
Contractual - Pass Thru Sales Tax	\$25,000,000	\$25,630,000	\$630,000	2.5%
Contractual - All Other	\$110,175,822	\$105,619,256	-\$4,556,566	-4.1%
Fixed Contractual	\$6,323,217	\$6,196,566	-\$126,651	-2.0%
Principal and Interest	<u>\$32,950,746</u>	<u>\$33,019,467</u>	<u>\$68,721</u>	<u>0.2%</u>
Subtotal Other Appropriations			<u>-\$3,948,118</u>	
Total Expenditures (excluding transfers)	\$259,289,454	\$256,292,867	-\$2,996,587	-1.2%

Cut Programs (WIC & Family Planning); Medicaid; other reductions in HHS based on current trends.

Here is the breakdown of our \$256 million budget, which is almost \$3 million less than our current budget.

The bulk of the reductions are in contractual appropriations, which includes the transfer of WIC and Family Planning to other providers and reductions in Health and Human Services.



2016 Proposed Positions

# of FTEs	2015 Restated Budget (1)	2016 Tentative Budget	Change
Governmental Funds	1,137.8	1,138.2	.4
Enterprise Funds	63.7	65.0	1.4
Total All Funds	1,201.4	1,203.2	1.8

(1) 2015 FTE – Full Time Equivalents were increased by 14.4 FTE for change in reporting of part time Jail substitute employees for comparison purposes. Additionally the 2015 budget overstated the FTE figure of several part time attorneys in the Public Defenders department. The Public Defender's 2015 FTE count is adjusted for this reason.

Compared with 2015 this proposed budget keeps our Full Time Equivalent (FTE) positions nearly flat.

The anticipated expansion of the landfill will require an additional seasonal position over the summer of 2016 which is shown in the enterprise fund.

The note on this slide explains the accounting details comparing 2015 with 2016.

Summary of Staffing Changes

- Some departments added staff while others reduced staff.
- Additions of particular note:
 - Nursing staff at the jail to comply with new requirement,
 - Environmental health staff to comply with 2 new mandates,
 - Temporary staff in the Board of Elections for additional elections in 2016,
 - A full-time emergency medical services coordinator
 - Probation officers, and staff in the Public Defender's Office, and District Attorney's Office.
- Grant funded positions were added to the Sheriff's Office and Department of Mental Hygiene.

While the majority of staff additions were offset by staff reductions, listed here are the additions of significance.

Nursing staff at the jail are both needed and mandated by the New York State Department of Correctional Services.

Environment Health has to handle increased septic inspections as well as cooling tower inspections mandated by local and state law.

2016 will be the Presidential election year requiring added polling station support.

Due to the complexity of new state Emergency Medical Services (EMS) requirements, the rollout of our county run EMS course curriculum, and the results of our county-wide EMS study, a full-time EMS Coordinator is both appropriate and necessary.

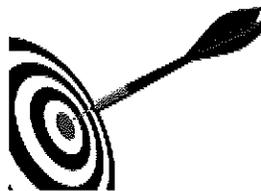
As previously mentioned, the Probation Department, Public Defender's Office, and the District Attorney's Office received some added staffing to address the rising costs of our criminal justice system.

Some additional FTE positions were 100% grant funded.

2016 Property Tax Levy and Rate

	2015 Adopted	2016 Tentative	Amt/ % Change from Prior yr
Property Tax Levy	\$62,790,611	\$60,906,892	-1,883,719 (-3%)
Full Valuation	\$6,863,040,586	\$6,979,724,447	1.7%
Property Tax Rate	\$9.15	\$8.73	-4.6%

42 cents/1000 property tax cut



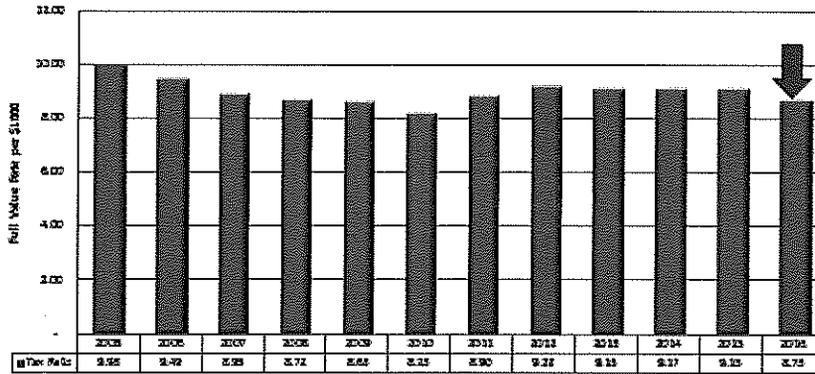
So here is the slide that everyone has been waiting for.

You will notice the 3% cut to the tax levy, which when coupled with a 1.7% increase in property valuations, enables us to cut the property tax rate per thousand by 4.6% or 42 cents per thousand.

This is truly historic for our county and is very good news to support retention and growth of businesses and homeowners.

I am thrilled to announce that we hit the mark with this budget.

Real Property Tax Rate



WNY Average Property Tax Rate = 8.33

We do have more work to do to get to our goal of parity with the average Western New York property tax rate of \$8.33.

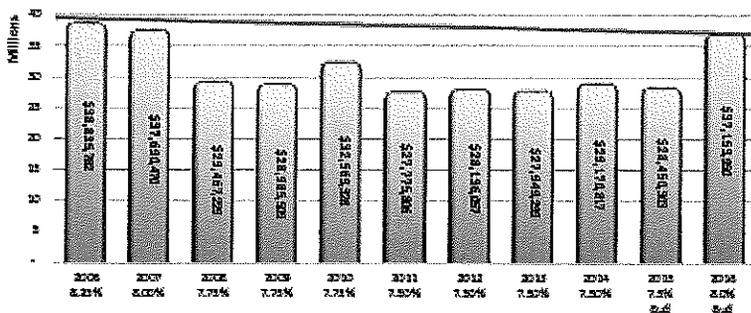
But this budget moves us more than halfway there.

Stay tuned as the flat tax levy for 2017 should further move us there with anticipated growth in our tax base.

Chautauqua County Sales Tax History

8.25% (2006) to 7.5% to 8.0% (2016)

Eliminated Tax on Residential Energy 12/1/07

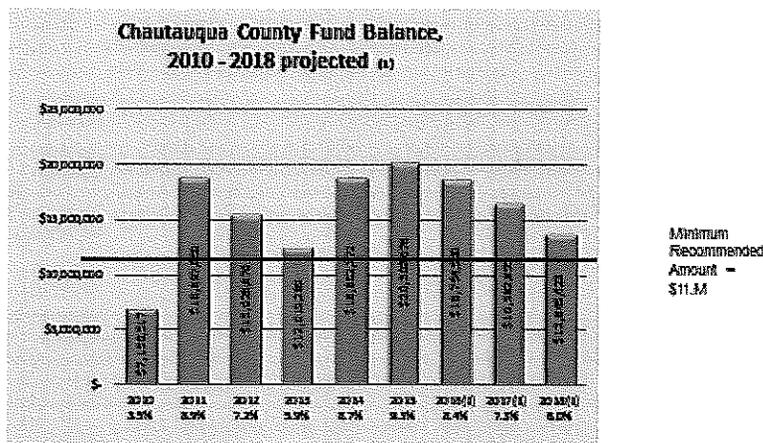


WNY Average Sales Tax Rate = 8%

Returning to an 8% sales tax rate will put us equal to the average of our Western New York neighboring counties and significantly below neighboring Erie County, NY.

Maintaining the clothing exemption, home energy exemption, and sharing the cost of our services with the visitors to Chautauqua County holds our property taxes down and puts us on the road to growth in our tax base, which is fundamental in our strategy for success.

Projected Fund Balance



Note 1, Actual Fund Balance 2010 - 2014, Projected 2015 - 2018

Our recently adopted financial management policy calls on us to maintain 5 to 15% of our reserves. This slide depicts the blue 5% level which we will remain above for at least the next 3 years.

Clearly--a much better picture than what we were facing last year.

Yet caution is clear as the projected level of reserves begins to decline over time.

It is only through growth in our tax base and sales tax revenues that we will stay on this path to maintaining a satisfactory fund balance and healthy financial outlook which is required to maintain our "A" Credit Rating.

Threats to Our Financial Plan

- NRG: Entergy lawsuit creating uncertainty
- Economy: Our recovery depends on future growth
- Unbridled Exuberance:
 - We delivered a major property tax reduction that we were all striving for.
 - This required a sales tax bump, very intense scrub, and more painful reductions.
 - Future property tax reductions should be done cautiously and incrementally guarding against the ever present danger of looming structural deficits.



I believe it is important for all of us to understand that there are challenges ahead.

It is my belief that the Governor, NRG Corporate, and New York State Public Service Commission are committed to moving the repowering project forward. However, there is a level of uncertainty we must acknowledge.

We saw the damage the great recession of 2008 did to our Nation, our Region, and our County. Let us hope that the economic recovery underway remains intact.

I call the last point unbridled exuberance. We have delivered a major property tax reduction in excess of the mandated 3%. Departments have made more tough cuts to both programs and personnel. The sales tax bump required a major effort to work with our state elected leaders to achieve the political support to get it done. I believe this sales tax request is a one-time shot that will not become available again.

In your packets is a five year projection of the financials that formed the basis for this budget in the context of a five year plan. I urge the legislature to proceed cautiously and look forward with clear eyes understanding the possible threats that could detour us on our road to success.

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Our Work Ahead: Keeping the Scale Balanced!

- Adopt the 8% sales tax rate,
- Have a 2016 budget approved and signed by Nov. 1 to implement the 8% sales tax rate starting on Dec. 1,
- Market Chautauqua County to retain and attract new businesses and homeowners,
- Grow tax base via lower property taxes,
- Grow sales tax revenues via out-of-county visitors,
- Continue to explore efficiencies in service delivery, and
- **Grow! Grow! Grow!**

So in a nutshell, here is a seven point list of our work ahead to maintain our financial health:

- The Chautauqua County Legislature must adopt the Home Rule Request for an 8% sales tax rate, which has now been approved by the New York State Legislature and is on the Governor's desk for signature.
- The Chautauqua County Legislature must have a 2016 budget, with a 3% property tax levy decrease, approved and signed by November 1st as New York State requires us to pass our 2016 budget by then in order to implement the 8% sales tax rate effective December 1, 2015.
- We must also work together to:
 - Market our county to those who know us and to those who have not yet met us,
 - Use a strategy of lower property taxes to retain and attract businesses and property owners in order to grow our tax base,
 - Grow sales tax revenues via tourism and hospitality,
 - Continue to look for more privatization opportunities and efficiencies such as those identified in the Deficit Reduction Commission's report, and
 - In the meantime GROW; GROW; GROW!!

Is this realistic? You bet it is!

We are on the Move

Industry:

- Cummins Plant Investment (\$90M Engine Block line)
- ConAgra in Dunkirk (Talcott LLC private label food manufacturing)
- Major Business for Ripley (\$54M Dairy processing plant)
- Empire Cheese; Rem-tronics; Coronado Stone; and other small businesses.

Tourism:

- PGA Web.com Tour (LECOM Health Challenge 2016-2019)
- National Comedy Center (Jamestown); Waterfront Development (Dunkirk)
- New Hotels (Jamestown; Ellicott; Celoron; Dunkirk; Mayville)
- New Destination Events – Gran Fondo; Get Into Summer Challenge

ENERGY:

- Repowering; Multiple Wind and Solar Power Projects

Infrastructure Development:

- North Chautauqua County Water District
- Chautauqua Lake Sewer Integration Project

Wages are increasing; Job growth is returning!

Not only is growth possible but it is happening.

The ConAgra departure is now being replaced by new private label food processing with 250 plus new jobs and local ownership.

A new major business investment in Ripley is projected to bring 40 plus new jobs in the dairy processing industry.

New start-ups and small businesses are growing.

Our tourism industry is gaining national attention. From the PGA returning to the Peek'n Peak, to the National Comedy Center, waterfront development, five new hotels, and best in class destination events—we are moving and growing.

We all remain committed to repowering NRG. Two major wind power projects and 2 new solar power projects will bring jobs and grow our tax base.

We must continue to invest in our infrastructure, regional projects, our lakes and trails to keep Chautauqua County the premier tourist destination it has become.

For the first time in a long time, we see wages growing as more profitable businesses compete for high quality employees. There is no doubt that job growth is rebounding in Chautauqua County.

Finally...

- I want to close by acknowledging our top notch County Workforce:
 - 101 Ways Chautauqua County Serves Our Residents and Strengthens Our Local Communities
- I also want to acknowledge the great work of our Deficit Reduction Commission

Finally, as we drill down on a budget of \$256 million, it is worthwhile to be able to answer this question: What do we taxpayers get for all that money?

So thanks to the great work of Dan Heitzenrater and Sherri Rater we have put together “101 Ways Chautauqua County Serves Our Residents and Strengthens Our Local Communities.” It is pretty amazing to see this top level summary of Chautauqua County Services.

Pictured throughout this document are some of the faces of the dedicated men and women that deliver these high quality services. We are all proud of them and the work they do. Please pass on a handshake with words of thanks when you see them.

I do want to acknowledge the great work of the Deficit Reduction Commission that helped me right the ship on our path to financial health.



This is an exciting time for Chautauqua County. We are clearly on the move!

I want to acknowledge the hard work of our department heads, Budget Director Kitty Crow, and legislators for the work that they will undertake in the budget review process.

I especially want to acknowledge our graduating legislators: Janet Keefe and John Runkle for their years of service. Also, retiring after 18 years of service is Legislator Keith Ahlstrom who over the years has worked with three county executives and served as Chairman of the Legislature, Majority Leader, Minority Leader, and a member of Legislative committees and county boards. These three legislators are dedicated public servants that clearly did their best to make Chautauqua County a better place to work, live and play.

I thank you.

Please be advised this Tentative Budget Presentation and the Chautauqua County 2016 Tentative Budget will be available online on September 25 at the county's website:
www.co.chautauqua.ny.us.

COMMUNICATIONS:

1. **Email – From Brent Sheldon – Re: Plastic Microbeads Ban**
2. **Report – Fn. Director – August 2015 Investment Report**
3. **Letter – Chaut. County Ag. & Farmland Protection Bd. – Re: Extension & Consolidation of Agriculture Districts**

4. Letter of Resignation from S&CCLSD Board – Dale Robbins
 5. Letter – JCC – Re: Invite to President’s Round.
 6. Minutes – Chaut. County Soil & Water Conservation District – August 2015
 7. Letter – Jody Hoch, Part Time Probation Officer – Conflict of Interest
 8. Letter – Lake Erie Watershed Protection Alliance – Re: Supports Ban on Microbeads
 9. NYS Dept. of Taxation and Finance – Equalization Rates
 10. Letter of Necessity from County Executive Horrigan – RE: LL Intro. 2-15 (Print 2)
(Late Communication)
-

LOCAL LAW:

LOCAL LAW INTRO. 2-15 - A LOCAL LAW PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN CHAUTAUQUA COUNTY

Legislator Himelein: In front of every Legislator is a copy of an amendment local law 2-15 and I would make the motion that we accept this.

Legislator Borrello: Second.

Chairman Gould: This will amend by substitution. Any discussion? Seeing none, we’ll have a show of hands to move the amendment. We need two thirds. All in favor, say aye?

Unanimously Carried

Clerk Tampio: The office of the Legislature is in receipt of a message of necessity from the County Executive Horrigan regarding Local Law Introductory 2-15, print 2. I will read it aloud and is also on your desk this evening.

Given that Print 2 of Local Law Introductory No. 2-15 has an effective date of 2/15/16 that matches the effective date of Erie County’s similar prohibition on the sale of products containing microbeads, I hereby certify that immediate passage of Print 2 of Local Law Introductory No. 2-15 is necessary in order to provide retailers the longest lead time possible for their compliance with the law.

Legislator Ahlstrom: I would like to speak to the message of necessity in that there was discussion in Planning & Economic Development in that the original local law had a 180 day filing period on it. After discussion and after what you have in front of you tonight, moves that to February 15, 2016. Under those circumstances and the reason for that is so that we do match Erie County for retailers of this area. They only have to, keep in mind, the one law will both be the same. I am definitely in favor of the message of necessity so therefore I would MOVE that we take up the local law as amended by substitution. I will move that.

Legislator Whitford: Second.

Chairman Gould: Any more discussion? Hearing none, we will vote to take it up for immediate passage. All in favor?

Unanimously Carried

Chairman Gould: It's now on the floor for discussion? Any further debate?

Legislator Borrello: This is on the amended local law, right?

Chairman Gould: Correct. Is there any further discussion?

Legislator Borrello: Yes sir. Thank you Mr. Chairman. First of all, I would like to thank Nate Drag for coming down and speaking, Dr. Mason for coming back. I'd also like to thank Mr. Winter for coming and speaking as well to us.

You know, we discuss a lot of things in this Chamber, we vote on a lot of resolutions, but tonight we truly have an opportunity to make a difference and have an immediate and significant impact on our environment, on the public health and also on the local businesses that rely on our lakes and waterways. The dangers of these associated microbeads, (*inaudible*) the microbeads that they discuss is as far back as 2011. If you read the changes proposed by personal care products industry, they would like until the year 2020 to eliminate microbeads from the market place. Despite the fact that natural alternatives exists and are in use in other products on the market. As Dr. Mason mentioned, there are more than 8 trillion microbeads entering our waters every day. That's 8 trillion a day and in five years, that is a number that actually cannot be calculated by my scientific calculator. It's an incalculable amount of microbeads in five years. So, Mr. Winter agrees but they want 5 years to replace the little pieces of plastic in their products with the already existing little pieces of other products that will be much safer for the environment. It's interesting that they want that much time. According to a web site called madehow.com, the (*inaudible*) are introducing a new model of automobile that generally takes 3 to 5 years. So car manufacturers can go from design concept to testing, retooling, realigning, their supply chains with literally hundreds of cars, transforming their assembly lines, retraining the workers, assembling new cars and shipping them to thousands of dealers around the world in less time than the personal care products council needs to replace these tiny pieces of plastic. I just find that to be, I guess, unrealistic. I think they are dragging their feet and they are buying time.

We are going to take action today with everyone's vote to address this right away. And we will show not only the people of our County, but people elsewhere, the sense of urgency that we feel and desire by passing this law.

As I said in my op-ed piece, the waters off of Western New York are ground zero for the highest concentration of micro plastic pollution. So, passing this law, like that in Erie County, we're taking action to reverse this trend as soon as possible.

I want to thank everyone for their support. The letters and phone calls that I received. I want to thank this Legislature for being proactive and hopefully passing this tonight and hope this leads other counties and other municipalities to consider the same, so we can send the same message. This is important to us. It is not based on party, or personal interest, or special interest, but on what is best for everyone. Thank you.

Legislator Niebel: I'd like to speak to the band-aid of February 15th. I am not sure whether it was Keith or George that came up with that date but that is the same date as Erie County. So, Chautauqua County will be able to take advantage of the publicity generated by the

Buffalo media, the radio stations, the TV stations, Buffalo News. So, in that respect, I think that is a good thing.

Legislator Rankin: I'm really pleased to support this legislation which I think (*inaudible*) our responsibilities as stewards of the natural resources that we are blessed to have. It's an opportunity to bring awareness to consumers who many of them have no idea about the microbeads and an opportunity for retailers to step up and do the right thing. The best part is that Chautauqua County helped to be a leader in this movement. The health of our lakes and waterways in paramount to the health of our community and our future. Thank you.

Legislator Wilfong: Thank you Mr. Chairman. Microbeads have become the new gluten of the Great Lakes system. Because of their size, usually smaller than 2 millimeters, they enter the ego system through wastewater treatment plants with no filter (*inaudible*) microbeads. Then the micro plastics (*inaudible*) find their ways into lakes, rivers, gulfs, and seas worldwide. Plastic microbeads absorb resistant organic glutens that move up the food chain under toxic (*inaudible*) beads are consumed by fish and other (*inaudible*) organisms. A single microbead can up to million times more toxic than the water around it. The new local law 2015 will ensure that all manufactures phase out these, the use of these microbeads to get them removed from the shelves of our local stores. (*Inaudible*) that the great State of New York will soon realize the dangers that microbeads present to the general public and issue a statewide ban on these dangerous products.

Chairman Gould: Is there anyone else? Seeing no one, we'll have a roll call vote.

Clerk Tampio: I would also like to read the new title of the Local Law.

**A LOCAL LAW PROHIBITING THE SALE OF PERSONAL CARE PRODUCTS
CONTAINING MICROBEADS IN CHAUTAUQUA COUNTY**

LOCAL LAW INTRO. 2-15 – (R/C Vote: 18 Yes; 1 Absent) – UNANIMOUSLY ADOPTED

RESOLUTIONS:

RES. NO. 182-15, Establish Budget for the Chautauqua County Sewer Agency, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 183-15, Transfer Landfill Funds into Depreciable Equipment Account, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 184-15, Adjust Accounts of Real Property Tax Office, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 185-15, Authorize Appropriation of Funds in 2015 Budget for Clerk of the Legislature Salary, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 186-15, Accept HUD Lead Hazard Reduction Demonstration Grant, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 187-15, Authorize Acceptance of New York State Environmental Conservation Funding for Dredging of Recreational Channels in Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek, and to Support an Invasive Species Management Program I the Chautauqua Lake Watershed, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 188-15, Petitioning the Commissioner of the New York State Department of Agriculture and Markets to Extend Review Dates for Chautauqua County Agricultural District Nos. 7 & 10, by Planning & Economic Development – **UNANIMOUSLY ADOPTED**

RES. NO. 189-15, Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2016 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 190-15, Quit Claim Deeds, by Administrative Services Committee – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 191-15, Resolution of the County Legislature of the County of Chautauqua increasing the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on the amusement charges pursuant to Article 29 of the Tax Law of the State of New York, by Administrative Services and Audit & Control Committees –R/C Vote: 17 Yes; 1 No; 1 Absent – **ADOPTED** w/ Ahlstrom voting “no”

MOTION:

A. To Proclaim October 5-11, 2015 as 4-H Week in Chautauqua County

Legislator Rankin: I would just like to comment that the 4-H program is a gem of a program for our youth. It provides opportunity for agricultural education, project management, leadership, builds confidence in our youths. It supports agriculture which is such a vital part of our County and our State.

MOTION A. – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Legislator Wendel: I would like to invite everybody to the hamlet of Busti, Town of Busti this Sunday from 11 a.m. to 5 p.m. for the annual Busti Historical Society Apple Festival. The weather should be beautiful. There is always a big crowd so come on out and support the local vendors and learn a little bit about the history of Busti. They've remodeled the gristmill which is

operational and taking tours. So it will be a fabulous time and would encourage everybody in the County to please come out and pay a visit.

Legislator Tarbrake: Just like to remind everybody about the annual Autism walk. It takes place this Saturday, September 26th at 10 a.m. It starts at the Resource Center on Dunham Avenue in Celoron. Very worthwhile and it raises money for the fight against autism.

Legislator Lemon: On November 20th, our County will be hosting the Inter-County Association. It's a great honor and I just want to give all of the Legislators a heads up that we will be asking for a wide variety of door prizes to give out during this function and we'd like to represent the County as fully as possible so we'd like to get door prizes from all over the County. So I'm asking, I guess, along with Mr. Whitford and Mrs. Keefe, for each Legislator to come up with a door prize for us to give away at the Inter-County meeting on November 20th. A two month heads up notice.

Chairman Gould: Anyone else? Seeing no one, we'll open up the 2nd privilege of the floor.

2nd Privilege of the Floor.

No one chose to speak at this time

MOVED by Legislator Heenan, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:28 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Morris, Carolyn

From: Cooper Finn Gallery [cooperfinngallery@gmail.com]
ent: Thursday, October 08, 2015 10:21 AM
fo: County Legislators
Subject: To all legislators, particularly on the Governmental Services and Administration Committee

To the people who can actually change things for the better,

Please consider voting to ban toxic toys and microbeads from entering our county. Toys that have dangerous chemicals in their paint or construction find their way into the mouths of our children. The damage to them can be catastrophic. These toys eventually end up in our trash, landfills, or even get passed down from child to child endangering countless innocent individuals. The chemicals break down and leach into our soil and ground water with future problems.

Have we learned nothing from the PCB fiasco? The opportunity to prevent future harm is in your hands NOW. You can do something right!

Other municipalities have stepped up. How about ours? Vote to ban.

The microbead situation is just beginning to come into play. Now is a great time to be ahead of that crisis in the making. Vote to ban.

Bring this to a positive close; vote to ban both of these items to come into our county.

It is time to help newcomers to our county by establishing a law to test for volatile chemicals whenever a property is sold. It will help the county find out just how serious a problem we have in our neighborhoods once and for all. The time has come for that legislation. Please pass that.

As a cancer survivor, I know how crucial it is to live in an environment that is free from harmful carcinogens. A simple notification that a plane was going to be spraying my area with pesticides or my neighbors was having that done just upstream from me might possibly have prevented my struggle with that dreaded disease that still claims hundreds of lives a DAY.

Again, just asking for notification so getting in furniture, tools, CHILDREN and PETS can be safely protected isn't much to ask. Keep in mind that more of the chemicals we put on our lawns don't stay there. They are carried into the house and are found on our rugs, where our pets sleep and our children crawl. Pass a notification law, please

Thank you

Judy Malstrom
Town of Clinton



NYPIRG SUPPORTS

LEGISLATIVE MEMORANDUM NO.: LL-2015 CONTACT: Russ Haven PHONE 518 436 0876

RESOLUTION NO. 2015214, AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

RESOLUTION NO. 2015216, REGARDING THE CHILDREN'S PRODUCT SAFETY ACT OF 2015

RESOLUTION NO. 2015238, REGARDING PROHIBITING THE SALE OF COSMETIC PRODUCTS CONTAINING MICROBEADS

SUMMARY OF PROVISIONS:

Resolution No. 2015214, Authorizing Pesticide Neighbor Notification would allow the Dutchess residents to join New Yorkers the dozens of other counties that pursuant to state law are required to receive timely notice when neighbors are having commercial pesticide applications.

Resolution No. 2015216, The Children's Product Safety Act would ban the presence of seven toxic metals in products primarily intended to be used by children up to age 12. The toxic metals covered are antimony, arsenic, benzene, cadmium, formaldehyde, lead and mercury. These chemicals cause or are associated with serious health and developmental consequences for exposed children, including cancer, organ damage and learning disabilities. The Department of Health would implement the law and is authorized to promulgate regulations to implement the law.

Resolution No. 2015238, Prohibiting The Sale Of Cosmetic Products Containing Microbeads, would ban the use of synthetic microbeads, which are used in personal care products as exfoliants, but have been documented to cause environmental harms, interfere with municipal sewage treatment control facilities and be persistent in the food chain.

STATEMENT OF SUPPORT:

These common-sense proposals follow actions on identical bills in other counties throughout the state and are examples of local governments exercising leadership in cases where Albany and Washington have failed to establish strong laws.

Most important, these proposals protect public health and the environment. Each takes a preventative approach to known, predictable hazards that are well documented. The Children's Product Safety Act would take a preventative approach to children's health by requiring manufacturers to remove or dramatically reduce the presence of toxic chemicals in products used by children in their everyday lives. The microbeads proposal seeks to require the makers of soaps, shampoos and other personal cleansers to use safe, quickly biodegradable products that do not present risks to the environment, aquatic life or water treatment facilities. And the pesticide notification law would allow parents, caregivers and pet owners to be forewarned and take actions they deem appropriate to protect themselves from pesticide drift and exposure.

NYPIRG URGES YOUR SUPPORT FOR THESE IMPORTANT BILLS.

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Recycled paper

Morris, Carolyn

From: elizabeth robinson [rokn7@hotmail.com]
ent: Thursday, October 08, 2015 8:06 AM
io: CountyLegislature
Subject: please support the items in the 5:30 slot

5:30PM Government Services & Administration

2015214 A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

2015215 A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

2015216 THE CHILDREN'S PRODUCT SAFETY ACT OF 2015

2015238 A LOCAL LAW IN RELATION TO PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN DUTCHESS COUNTY

I and my husband support these items and move to help protect the citizens of Dutchess County by proactive legislation to get control of the environmental offenders that affect ours and the children of dutchess county's health.

Please support these items.
Thank you
Elizabeth J Robinson NP

Wager, Leigh

From: Jordan Christensen [jchristensen@citizenscampaign.org]
Sent: Thursday, October 08, 2015 10:30 AM
To: County Legislators; CountyLegislature
Subject: CCE Comments for GSO Committee
Attachments: Comments on Dutchess Local Law 216, Child Safe Products.docx; Comments on Dutchess private well testing law.docx; Comments on Dutchess Pesticide Neighbor Notification Law.docx; Dutchess Microbeads Testimony.docx; The-Microbeads-2-Pager.pdf

Hello Legislators,

I will be attending the GSO committee hearing tonight to testify in support of the 4 bills on the agenda. In advance of my testimony, please find attached comments on each of the four bills as well as my organization's factsheet on plastic microbeads. In addition, [here](#) is a report issued by Attorney General Schneiderman on microbeads that is referenced in my testimony, and [here](#) is another AG study done last year that found that 74% of NY's wastewater treatment plants surveyed were discharging microbeads. In addition, in case you have not been contacted by League of Conservation Voters on the Children's Products law yet (216-2015), here are reports that the organization put out that found toxic chemicals in children's products in [Erie County](#), [Long Island](#), and [Westchester County](#).

Thank you,
Jordan

Jordan Christensen
Program Coordinator
Citizens Campaign for the Environment
5a Main Street
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516-390-7150

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Empowering Communities, Advocating Solutions.

Comments on Local Law 216-2015
Dutchess County Legislature
Poughkeepsie, NY
October 8, 2015

Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE). CCE is an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. **CCE has worked for 30 years to protect New York residents from exposure to toxic chemicals and we strongly support this legislation.**

According to Washington State Dept. of Health's, over 5,000 children's products contain chemicals of high concern. Toxic chemicals used in children's products have links to cancer, reproductive problems, learning disabilities, and chronic health problems. Children are especially vulnerable to these chemicals due to their small size and developing bodies. Researchers estimate that children can ingest ten times as much of these chemicals as adults due to their proximity to the ground, and their tendency to put their hands and other objects in their mouths. There is no reason for these toxic chemicals to be allowed in children's toys, clothes, jewelry, furniture, or other products. Manufacturers that willingly and knowingly utilize toxics in items designed for children should find a STOP sign at the boundary of the Dutchess County line. Tolerating toxics in toys is not supported by the public and should not be supported by our elected representatives.

Some of the most worrisome chemicals found in children's products are formaldehyde, benzene and heavy metals, which cause significant harm to human health and the environment.

- **Formaldehyde** is listed as a probable human carcinogen, with links to lung and nasopharyngeal cancer.
- **Benzene** is among the 20 most widely used chemicals in the United States. It is a known carcinogen with links to childhood leukemia and other blood related cancers, as well as damage to bone marrow and the immune system.
- **Lead** is particularly dangerous to children six and under, and even low levels of lead exposure can result in behavior and learning problems, lower IQ, hyperactivity, slowed

- growth, hearing problems, and anemia. In rare cases, ingestion of lead can cause seizures, coma and even death.
- **Mercury** damages the gastrointestinal tract, the nervous system, and the kidneys, as well as causing muscle weakness and memory loss. In addition, mercury raises concerns for wildlife and is a common contaminant found in fish.
 - **Antimony** exposure can cause long term damage to the lungs and heart and can cause stomach ulcers.
 - **Arsenic** has been linked to cancer of the bladder, lungs, skin, kidneys, nasal passages, liver and prostate.
 - **Cobalt** affects the lungs, causing respiratory irritation, wheezing, asthma, pneumonia, and emphysema.
 - **Cadmium** can cause cancer, emphysema, bone disease, and kidney damage. In addition, Cadmium is an endocrine disruptor and cause genital deformities and contribute to reproductive problems in men.

Children are not only exposed to toxic chemicals directly through toys, clothes, and furniture; they are also exposed to many of these chemicals in the environment. Some chemicals in children's products are released over time and bind to dust particles in the air, and other chemicals of high concern have been found in our drinking water sources. Banning the worst offenders from children's products is just common sense.

It is irresponsible to continue allowing children to be unnecessarily exposed to dangerous chemicals through their toys and clothes. Other counties throughout the state, including Albany, Westchester, and Suffolk Counties, have enacted similar legislation in an effort to protect children's health and our environment. **CCE urges the Legislature to pass Local Law 216 and ban these harmful, carcinogenic chemicals from children's products immediately.**

Thank you.

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Empowering Communities, Advocating Solutions.

**Comments on Local Law 215-2015
Dutchess County Legislature
Poughkeepsie, NY
October 8, 2015**

**Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment**

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE), an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. **I am here today to urge you to pass Local Law 2015, which would allow for private well testing for a variety of contaminants, including heavy metals, nitrite, nitrate, sulfate, and Volatile Organic Compounds (VOCs).**

Throughout New York State, VOCs and other contaminants are being found at an increasing frequency in groundwater and pose a significant threat to public health. These contaminants come from items that homeowners use every day, including many cleansers, waxes, paints, dry cleaning products, and cosmetics as well as gasoline, kerosene, and pesticides. Exposure to these contaminants can cause a variety of health problems, including liver and kidney damage, reproductive problems, damage to the nervous system, and cancer. *Despite increasing contamination, there are currently no laws mandating the testing of private wells, putting residents and future homeowners at risk.*

In addition to the contaminants listed in the bill, CCE recommends that the Committee include testing for pharmaceutical compounds, which is an emerging contaminant being detected in drinking water sources throughout the state.

There is no state-wide requirement for VOC testing in private wells, but testing throughout the state has consistently detected VOCs, including MTBE, benzene, toluene, 1,2 dichloroethene, trichloroethene (TCE), perchloroethene (PCE), and chloroform. For example, in Suffolk County, 70% of the wells tested rated either high or very high for VOC contamination. In Suffolk, VOC levels increased in groundwater by 4X between 1987 and 2005, with PCE levels increasing by 100% and TCE increasing by 150%. Groundwater testing throughout New York State, as well as nation-wide well testing done by the United States Geological Survey (USGS), shows similar contamination issues. Here in Dutchess, 63% of wells tested in 2010 by the

county tested positive for low levels of MTBE contamination, which is a potential human carcinogen according to the US EPA. However, the full extent of the problem is still unclear simply because no one is testing for it.

In order to begin creating safe water quality standards and addressing widespread water contamination issues, it is critical to begin testing private wells and alerting homeowners when their water is testing positive for contaminants. CCE encourages homeowners with private wells to get their wells tested at least once a year. We know that contaminants, including nitrite, heavy metals, and VOCs, are insidious and abundant. Homeowners and renters should be made aware of any issues when they choosing their residence. Since homeowners would be responsible for remediating contamination in their wells, private wells should be tested and home buyers should be made aware of any well contamination before purchasing a home, as the treatment for VOCs and other contaminants can be an added expense. In this case, ignorance is not bliss; ignorance is dangerous. **CCE commends the Committee for introducing this important legislation to begin testing private wells for a variety of contaminants and to alert residents of any contamination, and I urge you to pass Local Law 215 this year.**

Thank you.

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**Comments on Local Law 238-2015
Dutchess County Legislature
Poughkeepsie, NY
October 8, 2015**

**Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment**

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE). CCE is an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. I am here tonight to strongly support **Local Law 238, which would prohibit the sale of personal care products containing microbeads.**

As many of you are aware, microbeads are common ingredient used in over 100 different products, including toothpastes, body wash, hand soap, facial scrubs, and shampoos. Researchers estimate that a single product can contain as many as 350,000 plastic microbeads. These beads are too small to be filtered from our sewage treatment plants and end up contaminating our rivers, lakes, and harbors. The NYS Attorney General estimates that 19 tons of plastic beads are washed down our drains each year.

Once these plastic beads enter our waterways, they act as toxic sponges, accumulating toxic chemicals present in the water, including Poly-Aromatic Hydrocarbons (PAHs), pesticides, flame retardants (i.e. PCBs), and Bisphenol-A (BPA). Studies show that when fish and aquatic life consume plastic, these chemicals are passed up the food chain to larger fish, wildlife, and ultimately, on to our dinner plates. Exposure to these chemicals is linked to a broad range of ailments, ranging from birth defects to cancer. In addition to these potential public health impacts, dentists are now reporting findings of microbeads in patient's gums and cavities, posing an additional threat to dental health.

Fortunately, there are already safe alternatives to plastic microbeads used as abrasives in many products, and several companies have agreed to voluntarily phase out the use of plastic in their personal care lines. Alternatives such as walnut shells, apricot shells, sea salt, and cocoa beans are naturally occurring, biodegradable, and environmentally safe. In order to prevent plastic

pollution and promote the safe alternatives, Erie, Chautauqua, and Suffolk Counties have all banned products containing plastic microbeads, and several other municipalities, including Monroe County, Ulster County, and New York City, are all considering similar bans.

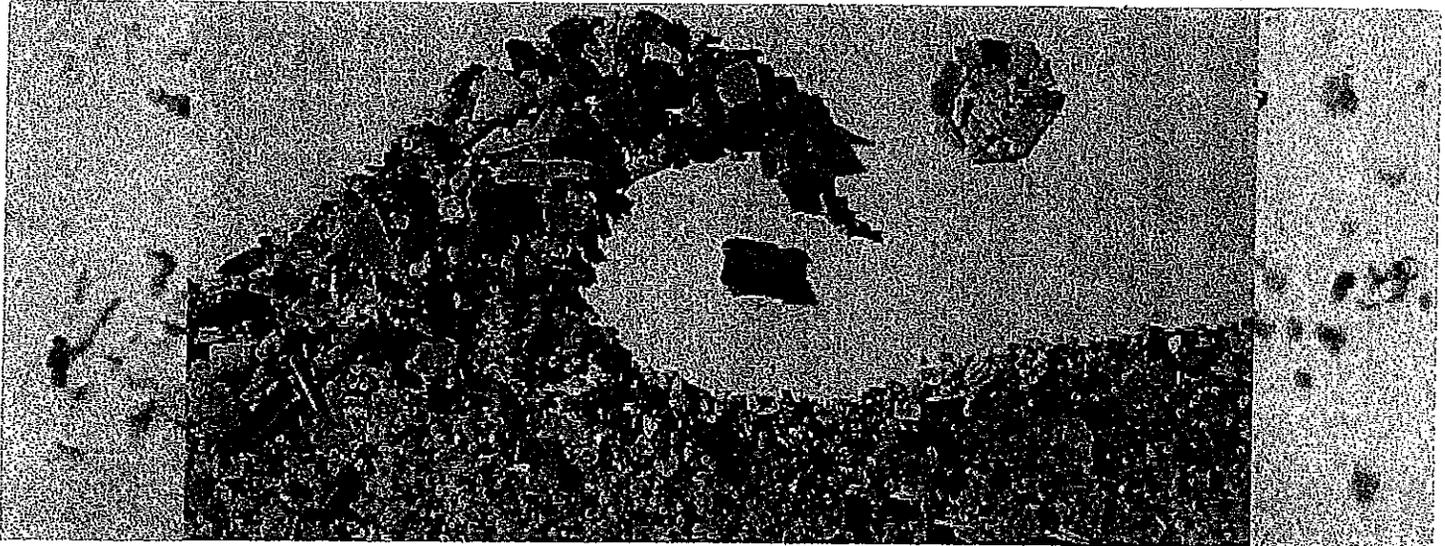
Plastic microbeads pose an unnecessary threat to our waterways, fisheries, and our health. I urge you to pass **Local Law 238** and ban the sale of products containing microbeads in **Dutchess County**.

Thank you.



PROTECT OUR WATERS FROM PLASTIC POLLUTION

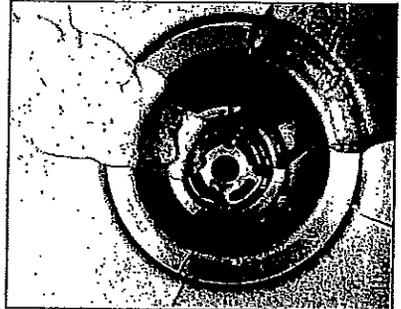
Ban plastic microbeads in all personal care products



Plastic microbeads are a common ingredient used as an abrasive in over 100 different personal care products on the market today, including facial scrubs, soaps, shampoos, and even toothpastes. Microbeads range in size from just over a millimeter to as small as a grain of sand. Once washed down the drain, microbeads can enter waterways where they endanger aquatic life and threaten human health.

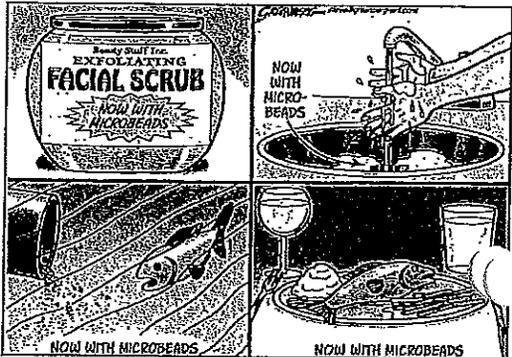
MICROBEADS POSE AN UNNECESSARY RISK TO WATERWAYS

Products containing microbeads are *designed* to be washed down the drain. Microbeads can enter into waterways through sewage overflows or by passing through sewage treatment plants, which are not designed to remove such tiny particles. Microbeads then flow directly into streams, rivers, lakes, estuaries, bays, and the ocean. Researchers recently found microbeads in Lake Erie, Cayuga Lake, Oneida Lake, Erie Canal, and Mohawk River. A recent study done in the Great Lakes found as many 1.1 million plastic particles per square kilometer!



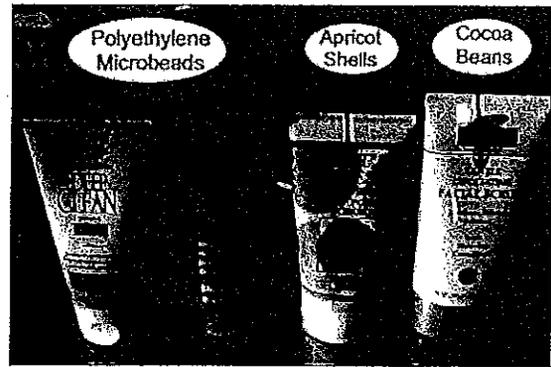
PLASTIC MICROBEADS THREATEN THE ENVIRONMENT, WILDLIFE AND HUMAN HEALTH

Microbeads can be mistaken for food and consumed by fish and wildlife, which can result in stunted growth and starvation. Microbeads also attract and accumulate toxic chemicals present in the water, including Poly-Aromatic Hydrocarbons (PAHs), flame retardants (i.e. PCBs), and Bisphenol-A (BPA). Studies show that when fish and aquatic life consume plastic, these chemicals are passed up the food chain to larger fish, wildlife, and ultimately humans. Exposure to these chemicals is linked to a broad range of ailments, ranging from birth defects to cancer. Studies have also shown that corals consume microbeads at a high rate, which then clog corals' digestive tracks, causing the corals to slowly starve.



SAFER ALTERNATIVES TO MICROBEADS EXIST

safer, non-polluting alternatives can be used as abrasives in personal care products instead of plastic microbeads. Materials such as apricot shells and ground cocoa beans are biodegradable and do not carry the same adverse impact on wildlife and human health as plastics. Some manufacturers have already opted to use safer alternatives in their products, and others have agreed to phase-out plastic microbeads over time.

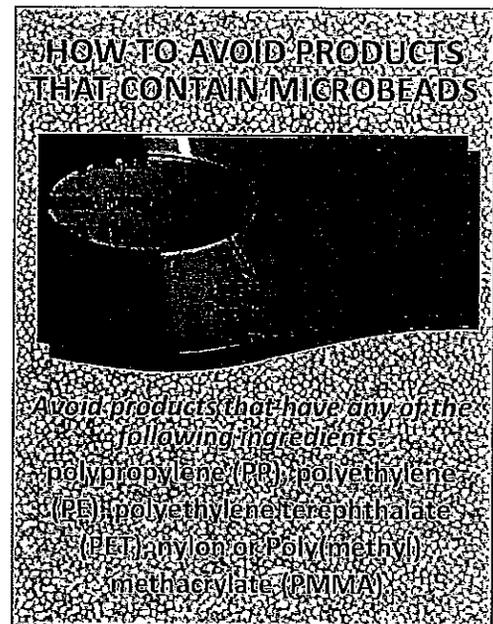


NEW YORK MUST BAN MICROBEADS IN PERSONAL CARE PRODUCTS!

While voluntary phase-outs are good first step, they do not go far enough. Some companies have not set a phase-out deadline, while many others have made no commitment at all. Additionally, **voluntary efforts will not ensure that companies will switch to a truly biodegradable and environmentally friendly alternative.** Some companies want to use plant-based bioplastics as an alternative. However, these products will only break down in sunlight and high heat— conditions that don't exist in an aquatic environment. Therefore, plant-based bioplastics will not biodegrade and will continue to pose ecological problems.

New York must pass legislation known as the **Microbead Free Waters Act**, which would ban plastic microbeads in personal care products and solve the problem once and for all! You can help by signing our petition at:

www.citizenscampaign.org/sign/ban-microbeads-in-NY



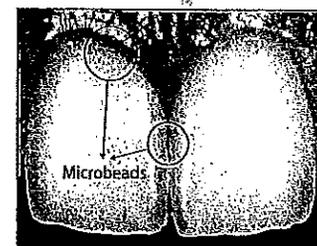
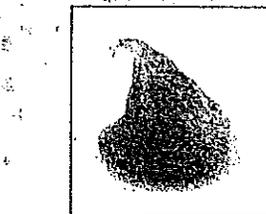
DID YOU KNOW?

Nearly **19 tons of microbeads** are potentially being discharged into New York's wastewater stream each year. That is the equivalent to the weight of about five African elephants!

There are **403 Sewage Treatment Plants (STPs)** in New York State that are **NOT** equipped with advanced treatment technology. That means that **two-thirds of the State's STPs are NOT able to effectively remove microbeads** in the sewage treatment process.

Researchers estimate that a single product can contain as many as **350,000 plastic microbeads**.

Microbeads used in **toothpaste** are for **decorative purposes only**, and dental hygienists are finding microbeads embedded in the gums of their patients.



Government Services and Administration Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	<i>absent</i>	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 12 - Town of East Fishkill	Weiss (VC)		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio		
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman (C)	<i>absent</i>	

Present: 8
 Absent: 4
 Vacant: 0

Resolution:
 Motion: ✓

Total : 8 0
 Abstentions: Yes 0 No

Legislator D Bolner moved
to table GH

2015238
10.8.15

The foregoing Resolution No. 2015238, A Local Law In Relation to Prohibiting the Sale of Personal Cosmetic Products Containing Microbeads in Dutchess County, was laid on desks on September 16, 2015, and tabled on October 8, 2015, at the Government Services and Administration Committee.

No further action was taken in 2015.

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

Constantine Kazolias, Poughkeepsie, spoke regarding making Market Street a two-lane road. He also spoke in favor of a countywide police force.

Mae Parker Harris, Poughkeepsie, spoke in favor of a job fair for the City of Poughkeepsie and also for transportation programs so the individuals can get to work.

Laura Casper, Poughkeepsie office of Legal Services of the Hudson Valley, spoke of the services they provide, copy attached.

Cheryl Redding, urged the Legislature to support and fund this office

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

There being no further business, the Chairman adjourned the meeting at 7:54 p.m.