

LAI D ON DESKS 11/13/18
GOVERNMENT SERVICES & ADMINISTRATION
AMENDED IN COMMITTEE 12/3/18

RESOLUTION NO. 2018298

RE: LOCAL LAW NO. 6 OF 2018 A LOCAL LAW REGULATING THE USAGE
OF PLASTIC BAGS

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

RESOLVED, that the Legislature of the County of Dutchess adopts Local Law No. 6
of 2018, which has been submitted this date for consideration by said Legislature.

APPROVED


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 12/24/2018

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 6th day of December 2018, and that the
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 6th day of December 2018.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RE: LOCAL LAW NO. 6 OF 2018 A LOCAL LAW REGULATING THE USAGE OF PLASTIC BAGS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF DUTCHESS, STATE OF NEW YORK AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS & PURPOSE

Dutchess County has taken and will continue to take significant strides in ensuring proper environmental stewardship. Having taken the bold step of banning Styrofoam containers- Dutchess is continuing on in the forefront of environmental policy. The Dutchess County Legislature finds that plastics, specifically plastic bags, are a significant burden on the global and local environment. By banning plastic bags, in most instances, this will encourage consumers to use more environmentally friendly and recyclable bags.

SECTION 2. DEFINITIONS

- a. "Plastic carryout bag" means a bag made of plastic, less than 4 mils thick, that is intended for the purpose of carrying purchased items and is provided to a customer at the point of sale.
- b. "Exempt bag" means a bag intended to directly contain goods, including, but not limited to bags used to carry produce, meats, dry goods, or other non-prepackaged food items, garment bags used by but not limited to dry cleaners, plastic bags used to transport clothing from the point of sale, and bags provided by a pharmacy to carry prescription drugs.
- c. "Store" means a general vendor, or a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, or foodmarts that provide carryout bags to consumer in which to place items purchased or obtained at such establishments. Such term shall not include food service establishments, mobile food service establishments, emergency goods providers, 501(c)(3) organizations, garage sales, yard sales, estate sales or moving sales.
- d. "Food Service Establishment" means a place where prepared food is provided for individual portion service directly to a consumer whether consumption occurs on or off the premises.
- e. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuses that is provided by a store to a customer at the point of sale and capable of carrying twenty-two pounds over a distance of one hundred and seventy-five feet for a minimum of one hundred and twenty-five uses and is either made of cloth or other machine washable fabric, or made of durable plastic that is at least 4 mils thick.
- f. "Paper bag" means a bag made of paper that is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content and displays the word "Recyclable" on the outside of the bag.

SECTION 3. PROHIBITION

No Store shall provide a Plastic carryout bag to any customer at the point of sale or other point of departure. This section shall not apply to an Exempt bag.

SECTION 4. REGULATION OF PAPER AND REUSABLE BAGS

Nothing in this Chapter shall require stores to provide paper bags or Reusable bags nor restrict their ability to charge for the purchase of said items. A Store shall not charge a fee for bags of any kind provided by the customer.

SECTION 5. ENFORCEMENT

The Commissioner of the Department of Community and Behavioral Health is responsible for the enforcement of this Chapter. The Commissioner is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

SECTION 6. VIOLATION PENALTIES

- a. If it is determined that a violation of this Chapter has occurred, a written warning notice will be issued to the operator of a Store that a violation has occurred and the potential penalties that will apply for future violations.
- b. If a Covered Store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:
 - (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;
 - (2) A fine not exceeding two hundred fifty dollars (\$250.00) for the second violation after the written warning notice is given; or
 - (3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- c. A fine shall be imposed for each day a violation occurs or is allowed to continue.

SECTION 7. SEQRA DETERMINATION.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations. Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c) (20) and (27) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required." [6NYCRR Section 617.5(c) (20) and (27) apply to: "(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and "(27) adoption of regulations, policies, procedures, and local legislative

decisions in connection with any action on this list”]

SECTION 8. APPLICATION.

This Local Law shall apply to all actions occurring on or after the effective date of this law.

SECTION 9. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance 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 application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 10. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article 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 may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

SECTION 11. EFFECTIVE DATE.

This Local Law shall become effective on January 1, 2020, subsequent to filing in the Office of the Secretary of State pursuant to the applicable provisions of the Municipal Home Rule Law and shall apply to all transactions occurring on or after January 1, 2020.

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

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

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

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

Identify Line Items(s):

Related Expenses: Amount \$ 0

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____

Over Five Years: _____

Additional Comments/Explanation:

The cost to the County will be negligible as the Department of Community and Behavioral Health will enforce this Chapter through existing inspections and follow-ups based on complaints. A small amount of revenue may be realized through fines.

Prepared by: A. Gregg Pulver

Prepared On: October 31, 2018

Resolution No. 2018298, LOCAL LAW NO. 6 OF 2018 A LOCAL LAW REGULATING THE USAGE OF PLASTIC BAGS, was laid on desks on November 13, 2018, and considered on December 6, 2018. Discussion proceeded as follows:

Legislator Incoronato made a motion, duly seconded by Legislator Zernike, to amend Section 4 A as follows:

Nothing in this Chapter shall require stores to provide paper bags or reusable bags nor restrict their ability to charge **10 cents** for the purchase of said items. A store shall not charge a fee for bags of any kind provided by the customer.

Chairman Pulver ruled the amendment out of order and requested Legislator Incoronato to reword the amendment.

Legislator Incoronato made a motion, duly seconded by Legislator Page, to delete the first sentence of Section 4 and replace with the following:

A store shall charge a minimum of 10 cents for the use of paper or reusable bags

Assistant Minority Leader Munn Moved the Question on the amendment, seconded by Legislator Black.

Roll call on Moving the Question resulted as follows:

AYES: 22 Pulver, Sagliano, Bolner, Black, Munn, Borchert, Keith, Edwards, Truitt, Johnson, Jeter-Jackson, Tyner, Metzger, Amparo, Incoronato, Zernike, Page, Horton, Garito, Thomes, Surman, Houston

NAYS: 2 Llaverias, Brendli

ABSENT: 1 Miccio

Motion adopted.

Roll call on the foregoing amendment resulted as follows:

AYES: 5 Black, Edwards, Incoronato, Zernike, Page

NAYS: 19 Pulver, Sagliano, Bolner, Munn, Llaverias, Borchert, Keith, Truitt, Brendli, Johnson, Jeter-Jackson, Tyner, Metzger, Amparo, Horton, Garito, Thomes, Surman, Houston

ABSENT: 1 Miccio

Amendment defeated.

Legislator Page made a motion, duly seconded by Legislator Black, to replace Section 1 with the following:

The Dutchess County Legislature finds that plastics, specifically plastic bags, are a significant burden on the global and local environment. By banning plastic bags at retail points-of-sale and applying a \$0.05 fee to alternative bags provided at retail points-of-sale, this will encourage consumers to use more environmentally friendly and reusable bags.

Roll call on the foregoing amendment resulted as follows:

AYES: 12 Pulver, Sagliano, Bolner, Borchert, Keith, Truitt, Metzger, Horton, Garito, Thomes, Surman, Houston

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

ABSENT: 1 Miccio

Amendment defeated.

Legislator Page made a motion, duly seconded by Legislator Edwards, to replace Section 4 with the following:

- A. Any Store that provides a Paper bag or Reusable bag must charge a minimum of \$0.05 for each bag provided.
- B. Any purchase made in whole or in part through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) shall not be subject to a charge for carryout bags.
- C. Stores may provide their customers with Reusable bags free of charge for a two-week period each year for January 1st to January 15th.
- D. All Stores must indicate on the Customer receipt the number of Reusable bags provided and the total amount charged for the bags.
- E. All monies collected by a Store under this law will be retained by the State.
- F. Each Store is strongly encouraged to educate its staff to promote Reusable bags and to post encouraging Customers to use Reusable bags.
- G. No Store shall provide a Credit to any Person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this law.

Majority Leader Sagliano questioned if Section A was out of order.

Legislative Attorney Volkman stated the first Amendment was for a minimum 10 cent fee in Section 4 and the second amendment was for an amendment to the legislative intent portion of this law which failed. He further stated that this is an amendment to the fees section so I do not believe that this would be precluded by the prior vote on the legislative intent and I believe it would be in order.

Roll call on the foregoing amendment resulted as follows:

AYES: 6 Black, Edwards, Jeter-Jackson, Tyner, Zernike, Page
NAYS: 18 Pulver, Sagliano, Bolner, Munn, Llaverias, Borchert, Keith, Truitt, Brendli, Johnson, Metzger, Amparo, Incoronato, Horton, Garito, Thomes, Surman, Houston
ABSENT: 1 Miccio

Amendment defeated.

Legislator Page made a motion, duly seconded by Legislator Edwards, to add the following as Section 8 with all following Sections to be renumbered accordingly:

Roll call on the foregoing amendment resulted as follows:

AYES: 10 Black, Munn, Llaverias, Edwards, Brendli, Johnson, Tyner, Amparo, Zernike, Page
NAYS: 14 Pulver, Sagliano, Bolner, Borchert, Keith, Truitt, Jeter-Jackson, Metzger, Incoronato, Horton, Garito, Thomes, Surman, Houston
ABSENT: 1 Miccio

Amendment defeated.

Legislator Zernike questioned if Resolution 2018297 would be precluded to consider once this resolution was adopted.

Legislative Attorney Volkman responded yes, it would not be agendable.

Roll call on foregoing resolution resulted as follows:

AYES: 23 Pulver Sagliano, Bolner, Black, Munn, Llaverias, Borchert, Keith, Edwards, Truitt, Brendli, Johnson, Jeter-Jackson, Tyner, Metzger, Amparo, Incoronato, Page, Horton, Garito, Thomes, Surman, Houston

NAYS: 1 Zernike

ABSENT: 1 Miccio

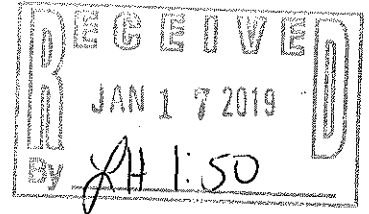
Resolution adopted.

The County Executive held a public hearing on the foregoing Local Law on December 20, 2018 and signed it into Law on the same day. The effective date of the Local Law is January 1, 2020.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

January 11, 2019



Carolyn Morris
Dutchess County Legislature
22 Market St
Poughkeepsie NY 12601

RE: County of Dutchess, Local Law #6 & #7 2018, filed on 12/27/2018

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

Government Services and Administration Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	.	1
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		2
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	4	
District 14 - Town of Wappinger	Amparo	5	
District 22 - Towns of Beekman and Union Vale	Garito		6
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)	6	

Present: <u>12</u>	Resolution: <u> </u>	Total : <u>6</u> <u>6</u>
Absent: <u>0</u>	Motion: <input checked="" type="checkbox"/>	Yes No
Vacant: <u>0</u>		Abstentions: <u>0</u>

BLACK/MUNN

Intent: Ensures local municipalities will be able to enact their preference of single-use bag bills (ban/fee etc)

To be added as Section 8, with all following Sections to be renumbered accordingly:

Section 8: This law will not impede or supersede any ordinance, resolution or local law that has been or will be enacted by a village, town, or city within the County of Dutchess which prohibits retail stores operating within their jurisdiction from distributing or providing plastic and/or paper bags to their customers or requires a fee on paper bags and other plastic bag alternatives.

AMENDMENT DEFEATED

Government Services and Administration Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	✓	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 4 - Town of Hyde Park	Black*		
District 20 - Town of Red Hook/Tivoli	Munn*		
District 1 - Town of Poughkeepsie	Llaverias		
District 3 - Town of LaGrange	Borchert		
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 22 - Towns of Beekman and Union Vale	Garito		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		

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

GARITO/BLACK

SECTION 7. SEQRA DETERMINATION.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations. Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c) (20) and (27) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required." [6NYCRR Section 617.5(c) (20) and (27) apply to: "(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and "(27) adoption of regulations, policies, procedures, and local legislative decisions in connection with any action of this list"]

AMENDMENT ADOPTED

Government Services and Administration Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		2
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	4	
District 14 - Town of Wappinger	Amparo	5	
District 22 - Towns of Beekman and Union Vale	Garito		6
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		7

Present: <u>12</u>	Resolution: <u> </u>	Total: <u>5</u>	
Absent: <u>0</u>	Motion: <u>✓</u>	Yes	No
Vacant: <u>0</u>		<u>0</u>	
		Abstentions:	

BLACK/MUNN

Intent: Adds \$0.05 fee to plastic bag alternatives

Body of Section 1 to now read in its entirety:

The Dutchess County Legislature finds that plastics, specifically plastic bags, are a significant burden on the global and local environment. By banning plastic bags at retail points-of-sale and applying a \$0.05 fee to alternative bags provided at retail points-of-sale, this will encourage consumers to use more environmentally friendly and reusable bags.

AMENDMENT DEFEATED

Government Services and Administration Roll Call

District	Name	Yes	No
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*		1
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*		2
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		3
District 4 - Town of Hyde Park	Black*	1	
District 20 - Town of Red Hook/Tivoli	Munn*	2	
District 1 - Town of Poughkeepsie	Llaverias	3	
District 3 - Town of LaGrange	Borchert		4
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)		5
District 11 - Towns of Rhinebeck and Clinton	Tyner	4	
District 14 - Town of Wappinger	Amparo	5	
District 22 - Towns of Beekman and Union Vale	Garito		6
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)		7

Present: <u>12</u>	Resolution: <u> </u>	Total : <u>5</u>
Absent: <u>0</u>	Motion: <u>✓</u>	Yes <u>0</u>
Vacant: <u>0</u>		No <u>7</u>
		Abstentions: <u> </u>

BLACK/MUNN

Intent: Addresses \$0.05 fee to plastic bag alternatives and related issues

Body of Section 4 to now read in its entirety:

- A. Any Store that provides a Paper bag or a Reusable bag must charge a minimum of \$0.05 for each bag provided.
- B. Any purchase made in whole or in part through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) shall not be subject to a charge for carryout bags.
- C. Stores may provide their customers with Reusable bags free of charge for a two-week period each year from January 1st to January 15th.
- D. All Stores must indicate on the Customer receipt the number of Reusable bags provided and the total amount charged for the bags.
- E. All monies collected by a Store under this law will be retained by the Store.
- F. Each Store is strongly encouraged to educate its staff to promote Reusable bags and to post signs encouraging Customers to use Reusable bags.
- G. No Store shall provide a Credit to any Person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this law.

AMENDMENT DEFEATED

Government Services and Administration Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver*	1	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano*	2	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*	3	
District 4 - Town of Hyde Park	Black*	4	
District 20 - Town of Red Hook/Tivoli	Munn*	5	
District 1 - Town of Poughkeepsie	Llaverias	6	
District 3 - Town of LaGrange	Borchert	7	
District 7 - Towns of Hyde Park and Poughkeepsie	Truitt (C)	8	
District 11 - Towns of Rhinebeck and Clinton	Tyner	9	
District 14 - Town of Wappinger	Amparo	10	
District 22 - Towns of Beekman and Union Vale	Garito	11	
District 25 - Towns of Amenia, Washington, Pleasant Valley	Houston (VC)	12	
Present: <u>12</u>	Resolution: <u>✓</u>	Total : <u>12</u>	<u>0</u>
Absent: <u>0</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2018298 A LOCAL LAW REGULATING THE USAGE OF PLASTIC BAGS

December 3, 2018

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion:

Total : _____
 Yes No
 Abstentions: _____

J1/FZ

Section 4 add A. .10

12/6/18
 2018298

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total: 22 2
 Yes No
 Abstentions: 0

KM/HB

"Call the Question"

12/1/18
 2018 298

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion:

Total: 5 19
 Yes No
 Abstentions: 0

J1/NP

Section 4 Strike first sentence. Replace w/
 A store shall charge a minimum of .10
 for the use of paper or reusable bags

12/6/18
 2018298

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion:

Total: 12 12
 Yes No

Abstentions:

*#1 defeated
 see attached*

12/6/18

2018298

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 6

Resolution:
 Motion:

Total: 6 18
 Yes No

Abstentions: 0

2 NP/RE

see attached

2618298
 12/6/18

Roll Call Sheets

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

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion:

Total: 10 14
 Yes No
 Abstentions: 0

3 NP/RE

see attached

2018298
 12/6/18

NICK PAGE PROPOSED AMENDMENTS 12/6/18

Amendments for Local Law 2018298

Amendment ³ 1: NP/RE

Intent: Ensures local municipalities will be able to enact their preference of single-use bag bills (ban/fee etc)

To be added as Section 8, with all following Sections to be renumbered accordingly:

Section 8: This law will not impede or supersede any ordinance, resolution or local law that has been or will be enacted by a village, town, or city within the County of Dutchess which prohibits retail stores operating within their jurisdiction from distributing or providing plastic and/or paper bags to their customers or requires a fee on paper bags and other plastic bag alternatives.

Amendment ~~1~~ 2: 1 NP/HB

Intent: Adds \$0.05 fee to plastic bag alternatives

Body of Section 1 to now read in its entirety:

The Dutchess County Legislature finds that plastics, specifically plastic bags, are a significant burden on the global and local environment. By banning plastic bags at retail points-of-sale and applying a \$0.05 fee to alternative bags provided at retail points-of-sale, this will encourage consumers to use more environmentally friendly and reusable bags.

Amendment ~~3~~ 2: 2 NP/RE

Intent: Addresses \$0.05 fee to plastic bag alternatives and related issues

Body of Section 4 to now read in its entirety:

A. Any Store that provides a Paper bag or a Reusable bag must charge a minimum of \$0.05 for each bag provided.

B. Any purchase made in whole or in part through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) shall not be subject to a charge for carryout bags.

C. Stores may provide their customers with Reusable bags free of charge for a two-week period each year from January 1st to January 15th.

D. All Stores must indicate on the Customer receipt the number of Reusable bags provided and the total amount charged for the bags.

E. All monies collected by a Store under this law will be retained by the Store.

F. Each Store is strongly encouraged to educate its staff to promote Reusable bags and to post signs encouraging Customers to use Reusable bags.

G. No Store shall provide a Credit to any Person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this law.

Roll Call Sheets

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

Present:	<u>24</u>	Resolution:	<input checked="" type="checkbox"/>	Total:	<u>23</u>	<u>1</u>
Absent:	<u>1</u>	Motion:	<input type="checkbox"/>	Yes		No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2018298 A LOCAL LAW REGULATING THE USAGE OF PLASTIC BAGS

December 6, 2018