

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM July 15, 2015 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 10 interested citizens.

**PUBLIC COMMENT ON AGENDA ITEMS**

Supervisor Kelly opened the meeting for public comment on agenda items and there were none.

**MINUTES**

Supervisor Kelly made a motion to approve the minutes of June 10, 2015, seconded by Councilman Upham, motion passed unanimously.

**RESOLUTIONS**

**Resolution 2015076  
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers and has offered them for review, and

Whereas, the vouchers have been approved in accordance with the Town of Pawling policy, and

Whereas, the vouchers have been numbered 20150811 through 20150979, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$265,576.19.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015077  
Billing for Pawling Water District #2**

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and,

Whereas, the bills have been prepared and submitted in the amount of \$14,102.95 for the period of April 1, 2015 through June 30, 2015 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the billing as recommended for Pawling Water District #2.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015078**  
**Facility Use Requests - Waiver / Fees**

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town's own usage, and

Whereas, the Director of Recreation will periodically receive request to waive the fees, and

Whereas, the Town Board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following fees, reduction, or waiver(s) have been authorized by the Town Board:

Organization	Date & Time	Location
PCS- Tennis	2015 – 2016 School Year	Tennis Courts
PCS- Cross Country	Aug – Nov 2015	Trails / Course
Pawling Soccer Club	Sept 1 – Nov. 11 (8 am to 8pm)	Lakeside Fields
DC Board of Election	Sept 10 & Nov. 3	Lathrop / <i>Town Hall</i> / <i>Holmes Civic Building</i>

**MOTION:** Supervisor Kelly

**SECOND:** Councilman Johnson

Regarding the Pawling Central School District Green Mountain Lake Invitational, Councilman Johnson introduced an amendment to charge the School District a fee not to exceed costs incurred, seconded by Councilman Upham, motion passed unanimously.

**ROLL CALL VOTE ON RESOLUTION 2015078:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2015079**  
**Award of Bid – 40 Yard Closed Top Rectangular Compactor Receiver**

Whereas, the Town of Pawling has advertised for bids (RFP) for one (1) 40 Yard Closed Top Rectangular Compactor Receiver, and

Whereas, the Pawling Town Clerk conducted a “Bid Opening” on July 1, 2015 at 11am, now, therefore, be it

Resolved, that the bid for one (1) 40 Yard Closed Top Rectangular Compactor Receiver, based on the tabulation sheet presented by the Town Clerk, is hereby awarded to Custom Container Solution, LLC of Lewisburg, PA. in the amount of \$6,415.00 for the project associated with the referenced bid, and, be it, further

Resolved, that the Town Supervisor is hereby authorized to sign all the necessary documentation to award the contract to Custom Container Solution, LLC of Lewisburg, PA.

**MOTION:** Supervisor Kelly

**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015080  
Award of Bid – 40 Yard Open Top Heavy Duty Roll-Off Container**

Whereas, the Town of Pawling has advertised for bids (RFP) for one (1) 40 Yard Open Top Heavy Duty Roll-Off Container, and

Whereas, the Pawling Town Clerk conducted a “Bid Opening” on July 1, 2015 at 11am, now, therefore, be it

Resolved, that the bid for one (1) 40 Yard Open Top Heavy Duty Roll-Off Container, based on the tabulation sheet presented by the Town Clerk, is hereby awarded to Custom Container Solution, LLC of Lewisburg, PA. in the amount of \$5,018.00 for the project associated with the referenced bid, and, be it, further

Resolved, that the Town Supervisor is hereby authorized to sign all the necessary documentation to award the contract to Custom Container Solution, LLC of Lewisburg, PA.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015081  
Set Bond Amount: Sewer Extension Project**

Whereas, the Castagna Force Main Project on Route 22 will add a new sewer line from the Castagna Commerce Park to the existing Village of Pawling East Main Street sewer line, and

Whereas, part of the proposed project will involve adding new pipe under and around Holm Run in the Town of Pawling, and

Whereas, both the Town Engineer and the Engineer to the Town request the Town Board to consider a Restoration Bond to insure the work is completed to the required standards, and

Whereas, the recommended amount in the Town of Pawling by both engineers is \$63,105.00, now, therefore, be it

Resolved, that the Town Board hereby requests Restoration Bond posted in the amount of \$63,105.00 prior to any work commencing on Holm Run in the Town of Pawling.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2015082  
Release – RFP: Access Driveway**

Whereas, the Town of Pawling owns property on Route 292 in the Whaley Lake Hamlet, and

Whereas, the Town is considering the construction of a driveway from Route 292 towards the Whaley Lake Dam site, and

Whereas, the Engineer for the Town has drafted bid documents and specifications for the “Whaley Lake Dam Access Driveway”, now, therefore, be it

Resolved, that the Town Board hereby releases the RFP, “Whaley Lake Dam Access Driveway”, with a bid opening set for August 5, 2015 at 10am.

**MOTION:** Supervisor Kelly

**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2015083  
Amendments to CDBG Agreement**

Whereas, the Secretary of Housing and Urban Development of the United States is authorized, under the Community Development Block Grant Program (CDBG) of Title I of the Housing and Community Development Act of 1974 (Act), as amended, and the HOME Investment Partnership Program (HOME) of Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs, and,

Whereas, the County of Dutchess and the Town of Pawling (Cooperating Municipality) entered into an existing Cooperation Agreement dated June 29, 2000, as amended, to form the Dutchess County Urban County Consortium (Consortium) for the purpose of undertaking the CDBG and HOME Programs, and,

Whereas, the existing Cooperation Agreement must be amended as specified in Schedule A attached, and,

Whereas, the Pawling Town Board deems it to be in the public interest for the Town of Pawling to renew the existing Cooperation Agreement for 2016-2018 in accordance with Paragraph 3 of the Cooperation Agreement and agree to an amendment to the Cooperation Agreement, attached, now, therefore, be it

Resolved that Pawling Town Supervisor David P. Kelly is hereby authorized to execute the 2016-2018 Dutchess County Urban County CDBG Consortium Requalification Ballot and

Cooperation Agreement Amendment between the Town of Pawling and the County of Dutchess for the purposes of undertaking a Community Development Block Grant Program pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, as amended.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015084**  
**Award of Bid – Reservoir Road Reclamation Project**

Whereas, the Town of Pawling has advertised for bids (RFP) for the Reservoir Road Reclamation Project, and

Whereas, the Pawling Town Clerk conducted a “Bid Opening” on June 4, 2015 at 10 AM, now, therefore, be it

Resolved, that the bid for the Reservoir Road Reclamation Project, based on the tabulation sheet presented by the Town Clerk, is hereby awarded to The Gorman Group, 200 Church Street, Albany NY, in the amount of \$23,808.00 for the project associated with the referenced bid, and, be it, further

Resolved, that the Town Supervisor is hereby authorized to sign all the necessary documentation to award the contract to The Gorman Group, 200 Church Street, Albany NY.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015086**  
**Award of Bid – Basketball Courts & Play Area Coating**

Whereas, the Town of Pawling has advertised for bids (RFP) for Basketball Courts & Play Area Coating, and

Whereas, the Pawling Town Clerk conducted a “Bid Opening” on July 13, 2015 at 11 AM, now, therefore, be it

Resolved, that the bid for the Basketball Courts & Play Area Coating, based on the tabulation sheet presented by the Town Clerk, is hereby awarded to Copeland Coating Company, Inc. Post Office Box 595 3600 US Route 20, Nassau, NY, in the amount of \$28,820.00 for the project associated with the referenced bid, and, be it, further

Resolved, that the Town Supervisor is hereby authorized to sign all the necessary documentation to award the contract(s) for Basketball Courts & Play Area Coating.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**Resolution 2015085**  
**Award of Bid – Chain Link Fencing**

Whereas, the Town of Pawling has advertised for bids (RFP) for Chain Link Fencing, and

Whereas, the Pawling Town Clerk conducted a “Bid Opening” on July 13, 2015 at 11 AM, now, therefore, be it

Resolved, that the bid for the Chain Link Fencing, based on the tabulation sheet presented by the Town Clerk, is hereby awarded to SECTION A: \_\_\_\_\_, in the amount of \_\_\_\_\_ for the project associated with the referenced bid, and, SECTION B: \_\_\_\_\_, in the amount of \$ \_\_\_\_\_ for the project associated with the referenced bid, and, be it, further

Resolved, that the Town Supervisor is hereby authorized to sign all the necessary documentation to award the contract(s) for Fencing.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

Councilman Montemarano introduced an amendment, seconded by Supervisor Kelly and passed unanimously, to award the chain link fencing bid based on the tabulation sheet presented by the Town Clerk, SECTION A to Sport-Tech Construction in the amount of \$5,500.00 and SECTION B to Sport-Tech Construction as follows:

<b>Four (4) Feet Coated</b>	\$2,495
<b>Four (4) Feet Uncoated</b>	\$2,595
<b>Six (6) Feet Coated</b>	\$2,845
<b>Six (6) Feet Uncoated</b>	\$3,050
<b>Eight (8) Feet Coated</b>	\$3,195
<b>Eight (8) Feet Uncoated</b>	\$3,295
<b>Ten (10) Feet Coated</b>	\$3,350
<b>Ten (10) Feet Uncoated</b>	\$3,695

**ROLL CALL VOTE ON RESOLUTION 2015085:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
Councilman Upham – “AYE”                      Councilman Montemarano – “AYE”  
Supervisor Kelly – “AYE”

**PAWLING WATER DISTRICT #2**

Councilman Johnson said he visited the treatment facility along with Councilman DeRosa and Andy Learn from Morris Associates. There are a couple of areas that just weren’t up to spec. The contractor is working on bringing these items up to spec. He will go back and inspect again and if all items have been corrected, the final payment can be released. He will let Supervisor Kelly know once the inspection is complete. There are some other issues at the facility that need

attention. Mr. Learn is putting a list together and he felt the Town Maintenance Department could handle these items. The facility is in good shape.

### **WILLOW LAKE ROAD CULVERT PIPE**

Councilman Johnson said he received a call from a resident from Willow Lake Road, saying they want to replace the culvert pipe. The pipe on one side of the road could be as deep as 19 feet deep. The problem is that the water pipe is there also. This is a much more complicated project than was anticipated and he isn't sure they will be moving forward with the project. If they do move forward with the project, he suggested replacing the water pipe at that time. He would keep the Board posted.

### **CODE ENFORCEMENT OFFICER POSITION**

#### **EXECUTIVE SESSION**

The motion to enter into Executive Session was made by Supervisor Kelly at 7:17 PM to discuss personnel matters as it pertains to the position of Code Enforcement Officer, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 7:35 PM, seconded by Councilman Upham, motion passed unanimously.

Councilman DeRosa made a motion to hire Carl Ellis as the Code Enforcement Officer starting immediately so the job can be filled and in accordance with Civil Service Law, seconded by Councilman Upham, motion passed unanimously.

### **LASERFICHE PROJECT**

Supervisor Kelly said this is a project that Town Clerk Cathy Giordano has been working on for many years. The project is to scan all official documents into a digital data base. This proposal represents the second phase of the project. This next phase of the project will be to scan records in the Assessor's office.

Town Clerk Cathy Giordano said she has been in touch with the Assessor and he is receptive to moving forward with scanning the documents in his office. The cost of the retention module, which is needed to move forward, is \$13,886.00 and the remainder of the proposal is for Rosalind Cimino from Municipal Data Management to set this module up. She hoped that at some point in the future, the Board will see their way clear to allowing her to purchase the Web Portal module of the software, which would allow other departments and the public to view the documents that have been scanned.

Supervisor Kelly said on the financial side, the Town still has \$15,000.00 from the technology B.A.N., which could be used to purchase the retention module, the remaining funds could possibly come out of the contingency line of the budget. He will be looking at doing another technology B.A.N. soon to do technology upgrades throughout the Town. One is the media center for the meeting room and some other things that need to be updated. At that time, the Board can look at purchasing the web portal.

Supervisor Kelly made a motion to authorize the Supervisor to sign agreements to move phase 2 of the digital scanning Laserfiche project forward, seconded by Councilman Johnson, motion passed unanimously.

### **LOCAL LAW/SEWER COMMISSION**

Supervisor Kelly said in late spring, the Sewer Commission was asked to pass a local law by the appropriate Boards that deal with I&I, which is water filtration into the sewer system. It deals with many facets of the sewer lines and other things. The inflows, according to NYS DEC in the SPDES permit have to be controlled. He has distributed a letter from Sewer Commission Chairman Dan Peters asking the Town to move the law forward. He suggested the Board, Town's Environmental Consultant and Town Attorney look at the local law and the Board schedule a public hearing.

Supervisor Kelly made motion to set a public hearing for review of the local law for the I&I law from the Sewer Commission for August 12, 2015 at 7:00 PM, seconded by Councilman Johnson, motion passed unanimously.

## **PLANNING BOARD CREDITS**

Councilman DeRosa read a letter from the Planning Board saying that a worksession was held to provide training for the Planning Board members regarding the differences and benefits of drainage swales, culverts and catch basins. The Planning Board would like the Town Board to approve the 2 hour training session and grant each board member 2 hours toward their annual training requirements. Councilman DeRosa said he agreed with that.

Councilman DeRosa made a motion to approve the 2 hour training session and grant each board member 2 hours toward their annual training requirements, seconded by Supervisor Kelly, motion passed unanimously.

## **PAWLING COMMUNITY FOUNDATION**

Councilman DeRosa said Betsy Brockway of the Pawling Community Foundation dropped off the 2015 Parks & Recreational Needs study done by the Foundation. He distributed copies to the Town Board for their review. He put a notice on the sign at the HWLCA because the Foundation would like to have a meeting there on August 4<sup>th</sup> at 7 PM to discuss the Parks and Recreational needs.

## **PUBLIC COMMENT**

Holly Eldredge, Pawling resident representing the Pawling Lyons Club asked for permission to put an eye glass drop box in Town Hall. She also asked for the Lyons Club International 18” signs to be placed within the Town of Pawling limits. These signs will be a means of communication and promote awareness of the 60 year old Lyons Club.

Supervisor Kelly made a motion to grant the right for the Lyons Club to have an eyeglass drop box within Town Hall and to grant permission for a sign to be erected within the boundaries of the Town of Pawling in coordination with the Highway Superintendent and the Lyons Club, seconded by Councilman Upham.

Councilman DeRosa suggested the Planning Board get involved and give approval for the sign.

Supervisor Kelly asked Ms. Eldredge to suggest locations and the Board can research the proposed locations.

The motion passed unanimously.

Harvey Matcovsky said he was gratified to see the approval for the building at 33 East Main St. He encouraged everyone to attend the Pawling Community Foundation meeting in Holmes. He said the elementary school had an after school program, which was valuable. The person who was running the program has retired and Dr. Ward, School Superintendent has found a replacement organization to take over the operation. He asked that this be advertised as it is very important for the community.

Helen Grosso asked if the local law for which the public hearing was scheduled in August would be posted. She was curious about the media center for the meeting room.

Supervisor Kelly said the local law would be posted and he would talk to her about the media center for the meeting room after the meeting.

The motion to adjourn was made at 7:55 PM by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk



**2016-2018 Dutchess County Urban County CDBG Consortium  
Requalification Ballot**

Municipality: \_\_\_\_\_

Check one box below:

- Our municipality intends to participate in the 2016-2018 Urban County CDBG Consortium.
  
- Our municipality does not intend to participate in the 2016-2018 Urban County CDBG Consortium.
  
- Our municipality does not intend to participate for 2016 but may wish to participate at a later date.

*Chief Elected Official Signature:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Please return the original ballot to Dutchess County Planning and Development, 27 High Street, Poughkeepsie, NY 12601 by Friday, June 26, 2015. If you have any questions please contact Anne Saylor, Community Development Administrator, at 486-3600 or [asaylor@dutchessny.gov](mailto:asaylor@dutchessny.gov).**

AMENDMENT TO AGREEMENT

THIS AGREEMENT, bearing the date set forth below, by and between the County of Dutchess, a municipal corporation of the State of New York, with its principal offices at 22 Market Street, Poughkeepsie, New York 12601 ("County") and \_\_\_\_\_ ("Cooperating Municipality"), having offices at \_\_\_\_\_, to amend the existing Cooperation Agreement (County Contract Number \_\_\_\_\_, dated \_\_\_\_\_), is amended, as follows:

1. A paragraph "14" shall be added to read as follows:

14. The Cooperating Municipality and the County of Dutchess may not sell, trade, or otherwise transfer all or any portion of the Community Development Block Grant funds to any other metropolitan city, urban county, unit of local government, or Indian tribe, or insular area that directly or indirectly receives Community Development Block Grant funds in exchange for any other funds, credits or non-Federal consideration, but must use such funds for activities eligible under the Act.

2. A paragraph "15" shall be added to read as follows:

15. In addition to the certifications provided for in Paragraph "11" of the original Cooperation Agreement, the County and Cooperating Municipality hereby agree to affirmatively further fair housing, and comply with Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

In all other respects, the provisions of the prior Cooperation Agreement dated June 29, 2000, as amended, shall remain in full force and effect and shall be binding upon the parties referred to below.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

\_\_\_\_\_  
County Attorney's Office

\_\_\_\_\_  
Marcus J. Molinaro  
County Executive

APPROVED TO CONTENT:

COOPERATING MUNICIPALITY

\_\_\_\_\_  
Commissioner of Planning and  
Development

\_\_\_\_\_  
(Chief Elected Official)

[REDACTED]

AGREEMENT

THIS AGREEMENT, made this 29 day of June, 2000, by and between the COUNTY OF DUTCHESS, a municipal corporation with its principal offices at 22 Market Street, Poughkeepsie, New York (hereinafter referred to as the "COUNTY"), and the [REDACTED], a municipal corporation whose principal offices are located at [REDACTED] (hereinafter referred to as the "COOPERATING MUNICIPALITY").

WITNESSETH:

WHEREAS, the County may qualify as an applicant under the Housing and Community Development Act of 1974, as amended, (hereinafter referred to as the "Act") by having a combined population of two hundred thousand persons (excluding the City of Poughkeepsie), and entering into cooperation agreements with municipalities sufficient to form a total population of at least one hundred thousand persons, representing at least a majority of the low and moderate income population of Dutchess County, which agree to undertake essential community development and housing activities pursuant to said Act, and

WHEREAS, the County and the Cooperating Municipality are authorized under Section 99-h of the General Municipal Law to enter into this Agreement, and

WHEREAS, on June 5, 2000, the governing body of the Cooperating Municipality adopted Resolution No. 86 requesting to participate in the Community Development Program during a qualification period and authorizing the execution of a Cooperation Agreement for the purposes specified herein, and

WHEREAS, on June 12, 2000, the Legislature of Dutchess County adopted Resolution No. 2000-91 authorizing the execution of a Cooperation Agreement for the purposes specified herein, now, therefore, it is agreed between the parties hereto as follows:

1. All units of general local government included in the Urban County at qualification shall remain for a period of three successive years. This Urban County qualification period is fiscal years 2001, 2002 and 2003.

2. The Agreement must remain in effect during the

C-2167

qualification period and until Community Development Block Grant funds and HOME funds, if applicable, and income received with respect to the three-year qualification period are expended and the funded activities completed, and that the County and Cooperating Municipality may not terminate or withdraw from the agreement while the agreement remains in effect.

3. The Cooperating Municipality and the County agree that this Cooperation Agreement will automatically be renewed for participation in successive three year qualification periods, unless the County or the Cooperating Municipality provides written notice to HUD that it elects not to participate in a new qualification period. A copy of such notice must be sent to the HUD's Field Office by the date specified in HUD's Urban County qualification notice for the next qualification period. The County will notify the Cooperating Municipality of its right to make such election at the applicable time.

4. Failure by the Cooperating Municipality and the County to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year Urban County Qualification period, and to submit such amendment to HUD as provided in the Urban County Qualification notice will void the automatic renewal of such qualification period.

5. The County and the Cooperating Municipality hereby agree to cooperate to undertake, or assist in undertaking, essential community development, community renewal, and lower income housing assistance activities, specifically urban renewal, publicly assisted housing and those activities authorized by statutes enacted pursuant to Article 9 and 17 of the New York State Constitution.

6. The Agreement covers both Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990.

7. The Cooperating Municipality may not apply for grants under the HUD-administered Small Cities or State Community Development Block Grant Programs from appropriations for fiscal years during the period in which it is participating in the urban

county's Community Development Block Grant Program.

8. The Cooperating Municipality may not participate in a HOME consortium except through the urban county program regardless of whether the urban county program receives a HOME formula allocation.

9. In order to carry out the provisions of paragraph "3" hereof, the County and the Cooperating Municipality will cooperate in developing a Community Development Program and an application for a Community Development Block Grant which will be designed to meet the priority needs and objectives of the participating localities and the approved Consolidated Plan based upon an inventory of community development needs developed by the County based upon information supplied by officials of the localities. The County has the final responsibility for selecting activities and annually submitting Action Plans to the United States Department of Housing and Urban Development.

10. The County, in applying for federal grant funds under the Act will be undertaking to comply with the Act, the rules and regulations thereunder, and the undertaking and assurances in the application form prescribed by the United States Department of Housing and Urban Development. Accordingly, the Cooperating Municipality agrees to do what is necessary, as determined by the County, to comply with the Act, the rules and regulations thereunder, and the undertakings and assurances in the application form insofar as they relate to the activities and programs conducted in the Cooperating Municipality pursuant to said grant.

11. The County, as well as cooperating units of local government, must take all actions necessary to assure compliance with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974 and other applicable laws. Funding is prohibited for activities in or in support of any cooperating unit of general local government that does not


affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification. Also, pursuant to 24 CFR 570.501(b), the unit of local government is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

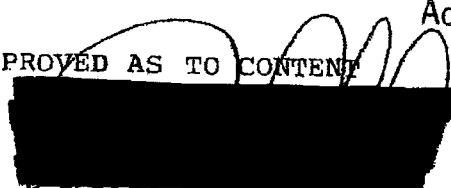
12. The cooperating unit of general local government has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

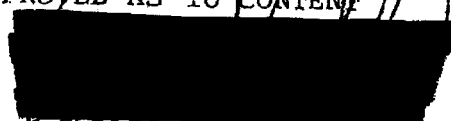
13. If the application is not approved by the United States Department of Housing and Urban Development, this Agreement shall automatically terminate.

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

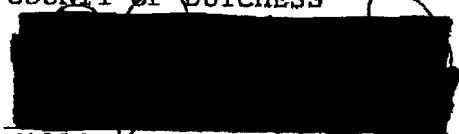
APPROVED AS TO FORM

BY   
County Attorney

APPROVED AS TO CONTENT 

  
Commissioner of Planning  
and Development

COUNTY OF DUTCHESS

  
William R. Steinhilber  
Executive

DOUGLAS A. McHUGHY  
Acting County Executive

  
  
for 