

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Washington

FILED
STATE RECORDS

JUL 02 2012

DEPARTMENT OF STATE

Local Law No. 2 of the year 2012

A local law of the Town of Washington, Dutchess County, New York to establish: (1) the Joint Disaster
(Insert Title)
Preparedness Council of the Town of Washington and the Village of Millbrook; and (2) the
Joint Emergency Services Organization of the Town of Washington and the Village of
Millbrook.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Washington

as follows:

SEE PAGES 2(A) THROUGH 2(F) ATTACHED HERETO AND MADE A PART HEREOF.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2012

Section 1. Establishment of (1) the Joint Disaster Preparedness Council of the Town of Washington and the Village of Millbrook and (2) the Joint Emergency Services Organization of the Town of Washington and the Village of Millbrook

SECTION ONE
PURPOSES AND DEFINITIONS

The declared purposes of this local law are to provide for: (a) the preparation and execution of plans for the protection of persons and property within the Town of Washington (the "Town") and the Village of Millbrook (the "Village") in the event of a declared emergency; (b) the continuity of government services; and (c) the coordination of the emergency functions of the Town and the Village with all other public agencies, corporations, organizations, affected private persons and properties.

As used in this local law, an emergency shall exist when proclaimed by the Town Supervisor. It shall include, but is not limited to, the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this Town and Village caused by fire, flood, storm, epidemic, extensive power outages or earthquake, including conditions resulting from war or imminent threat of war or any actual or threatened enemy attack or sabotage whether within or external.

SECTION TWO
JOINT DISASTER PREPAREDNESS COUNCIL OF THE
TOWN OF WASHINGTON AND THE VILLAGE OF MILLBROOK

The joint Town of Washington and Village of Millbrook Disaster Preparedness Council is hereby created and shall consist of the following members of each jurisdiction: (1) the Town Supervisor of the Town of Washington, who shall be chairman, (2) Deputy Town Supervisor as a vice-chairman, who shall act as chairman in the absence of the Town Supervisor, (3) such additional Town representatives as may be appointed by the Town Supervisor in his/her sole discretion to serve on the council, up to a maximum of three additional Town representatives; (4) the Town Clerk, (5) the Mayor of the Village of Millbrook; (6) the Deputy Mayor of the Village and (7) such additional Village representatives as may be appointed by the Village Mayor in his/her sole discretion to serve on the council, up to a maximum of three additional Village representatives. (hereinafter collectively referred to as "Joint Town/Village Disaster Council"). The Joint Town/Village Disaster Council shall meet as requested by the Town Supervisor.

SECTION THREE
POWER AND DUTIES

The Joint Town/Village Disaster Council is hereby granted the following duties and powers:

(1) To develop a plan for addressing any declared emergency and to prepare and recommend for consideration and adoption by the Town Board and the Village Board of Trustees a combined

emergency plan with such local laws, resolutions, rules, and regulations as may be necessary to implement the emergency plan. The plan shall provide for the mobilization of the required and available resources of the community, both public and private;

(2) To develop and recommend for consideration and adoption any new or existing mutual aid plans and agreements and the necessary acts to implement the plans;

By enacting this local law, the Town and Village each hereby agree to follow the rules and regulations established by the State of New York disaster preparedness commission under the provisions of Article 2-B of the New York State Executive Law.

SECTION FOUR EMERGENCY SERVICES ORGANIZATION

All officers and employees of the Town and Village, together with those individuals who have enrolled as volunteers to aid during an emergency, and all groups, organizations, and persons who may by agreement or by operation of law, including persons impressed into service under the provisions of Section Five, subsection (2) herein, and other persons charged with duties incident to the protection of life and property in the Town and Village during any emergency, shall collectively constitute the "Joint Emergency Services Organization of the Town of Washington and the Village of Millbrook" (referred to as the "Joint Town/Village Emergency Services Organization.") The structure, organization, duties, and functions of the Joint Town/Village Emergency Services Organization shall be incorporated in an emergency plan recommended by the Joint Village/Town Disaster Council and approved by both the Town of Washington Town Board and the Village of Millbrook Board of Trustees.

SECTION FIVE POWER AND DUTIES OF THE CHAIRMAN OF THE JOINT EMERGENCY SERVICES ORGANIZATION OF THE TOWN OF WASHINGTON AND THE VILLAGE OF MILLBROOK.

The Town Supervisor is designated as the chairman of the Joint Town/Village Emergency Services Organization.

(1) As chairman, the Supervisor is hereby empowered:

(a) To proclaim the existence or threatened existence of a "local state of emergency" as set forth under Section 24 of the New York State Executive Law and to terminate the local emergency;

(b) To request the appropriate sequence of authority to proclaim a "state of emergency" when, in the opinion of the Supervisor, the locally available resources are inadequate to cope with the emergency;

(c) To coordinate the efforts of the Joint Town/Village Emergency Services Organization for the accomplishment of the purposes of this local law;

(d) To direct cooperation between and coordination of services and officers in charge of the Joint Town/Village Emergency Services Organization and resolve questions of authority and responsibility that may arise between them;

(e) To be responsible for civil authority for this Town in all dealings with the public and private agencies on matters pertaining to emergencies as defined herein;

(f) To accept and approve on behalf of and without cost to the Town, and in cooperation with the federal government and the State of New York, licenses or privileges granted for the use of private property for the sole purpose of temporarily sheltering persons and animals as a result of the declared emergency.

(2) In the event of the proclamation of a local state of emergency as herein provided, the proclamation of a "state of emergency" by the Governor, County Executive or the Director of the State Disaster Preparedness Commission, or the existence of a "state of war emergency", the Town Supervisor is hereby empowered, and it shall be his/her duty:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the declared emergency;

(b) To obtain vital supplies, equipment, and any other properties found lacking and necessary for the protection of life and property and to bind the Town for the fair market value thereof. Fair market value is defined as the price, expressed in terms of cash equivalents, at which property would change hands between a hypothetical willing and able buyer and a hypothetical willing and able seller, acting at arms length in an open and unrestricted market, when neither is under compulsion to buy or sell and when both have reasonable knowledge of the relevant facts." If "fair market value" cannot be agreed upon within 30 days between the resident "seller" and the Town "buyer", "fair market value" will be established by averaging formal and enforceable bids obtained by the buyer and the seller from independent vendors. A minimum of 1 and a maximum of 2 formal and enforceable bids will be submitted by the buyer and the seller and the 2, 3 or 4 bids will be averaged to determine "fair market value". These bids must be submitted within 60 days following the end of the above referenced 30 day time period. Additionally, at least 1 bid from both the buyer and seller will be supplied from a vendor doing business in The Village of Millbrook or the Town of Washington, if such exists.

(c) To require emergency services of any Town officer or employee and, in the event of the proclamation of a "state of emergency" in this Town or the existence of a "state of war emergency," to command the aid of as many citizens of the community as the Town Supervisor deems necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(d) To requisition necessary personnel or material of any Town department or agency;

(e) To enter into agreements with public and private agencies for the performance of any special services and duties as may be necessary in the judgment of the Town Supervisor to carry out the provisions of this local law;

(f) To execute all of his ordinary powers as Town Supervisor, all of the special powers conferred on him by this local law and all powers conferred on him by any other lawful authority.

(g) To delegate any and all authority on matters related to the protection of life and property as affected by the declared emergency.

(3) Any powers granted to the Supervisor, as chairman, within this Section 5 are in addition to any authority under Section 24 of the New York State Executive Law.

(4) Nothing herein shall be deemed as a restraint upon the Mayor of the Village of Millbrook in exercising any authority granted to the Mayor under Section 24 of the New York State Executive Law.

SECTION SIX POWERS AND DUTIES OF DEPUTY TOWN SUPERVISOR

There is hereby created the position of vice-chairman of Joint Town/Village Emergency Services Organization. The Deputy Town Supervisor shall be the vice-commander of the Joint Town/Village Emergency Services Organization. The vice-chairman, in the absence of or at the direction of the chairman, shall act on his behalf on matters within the purview of this local law.

SECTION SEVEN POWERS AND DUTIES OF DIRECTOR

There is hereby created the office of director of the Joint Town/Village Emergency Services Organization. The director of emergency services shall be appointed by the Town Supervisor and the Village Mayor.

The director shall be subordinate only to the Town Supervisor and Village Mayor and he/she shall work in close cooperation with the disaster council and with the heads of the several departments of the municipal government and the officers in charge of the emergency services; and under the general supervision of the Town Supervisor and Village Mayor. The director shall maintain the necessary contacts with the state disaster preparedness commission and the several local disaster councils within the county and state. The Director shall not be considered an employee of either the Town of Washington or the Village of Millbrook. The position of Director may be filled by one individual, multiple individuals, or the duties of the Director may be fulfilled by the Joint Town/Village Disaster Council or the Joint Town/Village Emergency Services Organization.

SECTION EIGHT ORGANIZATIONAL PROVISIONS

The emergency functions of the Town/Village emergency services organization shall be set forth in the Joint Emergency Operations Plan of the Town of Washington and the Village of Millbrook. Department heads responsible for planning, coordination, and integration of personnel from other Town and Village departments and agencies into their services for emergency operations shall be designated in the plan. These designated department heads shall formulate functional emergency plans, which, when approved by the disaster council, shall become an annex to the emergency operations plan. These department heads shall also develop such mutual aid plans and agreements as may be approved by the Town of Washington Town Board and Village of Millbrook Board of Trustees. Departments with area-wide functions and responsibilities may become parties to joint venture emergency action agreements or compacts with the recommended approval of the disaster council.

SECTION NINE PURCHASER OF SUPPLIES.

The purchaser of supplies on behalf of the Town/Village emergency services organization shall be the Town Clerk of the Town of Washington. The Town Clerk will assume the responsibility of the custodian of special equipment and other property obtained from any source for use of the emergency services organization during and after the declared emergency. He/she is hereby authorized to act as the agent of the Town to receive from any agency the loan or use of any equipment or property on conditions that may be prescribed by that agency. He/she shall keep an account of the property entrusted to his control according to the terms of its acceptance, and where there are no terms provided by the agency, then upon the terms as the chairman may prescribe. He/she shall keep records of the receipt and distribution of property and make available when needed. He/she may issue or distribute the property only to the persons entitled thereto under the rules of the emergency services.

SECTION TEN COMPENSATION, IMMUNITIES, AND LOYALTY OATH

All persons, other than officers and employees of the Town or Village, volunteering services pursuant to the provisions of this local law and the emergency plan, shall serve without compensation from the Town. While engaged in the services, they shall have the same immunities as officers and employees of the Town performing similar duties. All volunteers, other than noncitizen volunteers, shall be required to take a loyalty oath in a form to be prescribed and approved by the disaster council, the loyalty oath to be administered to the noncitizen volunteer only on his consent. Current data maintained to provide information for deployment of volunteer workers shall include status of loyalty oath for each worker.

SECTION ELEVEN EXPENDITURES

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the Town.

SECTION TWELVE
VIOLATIONS OF LOCAL LAW; PENALTY

It shall be a misdemeanor, punishable by a fine not to exceed FIVE HUNDRED Dollars (\$500), or by imprisonment not to exceed THREE (3) months, or both, for any person during an emergency to:

(1) Willfully obstruct, hinder, or delay any member of the emergency services in the enforcement of any lawful rule or regulation issued pursuant to this local law, or in the performance of any duty imposed on him by virtue of this local law.

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this local law, if the act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.

(3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

SECTION THIRTEEN
SEVERABILITY

If any provision of this local law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications, and to this end the provisions of this local law are declared to be severable.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Washington was duly passed by the Town Board on June 14, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

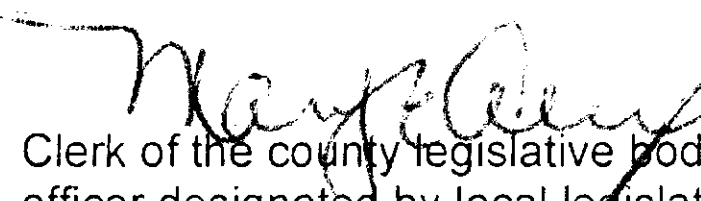
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

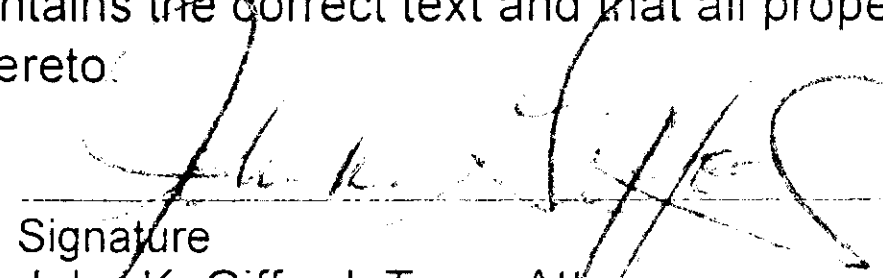

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Mary Alex, Town Clerk
Date: June 14, 2012

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
John K. Gifford, Town Attorney
Title

~~City~~
~~City~~ of Washington
Town
~~Village~~

Date: June 14, 2012