

LaGrange Town Board Meeting

October 28, 2009 7:30 p.m.

AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from October 14, 2009

Public Hearing

- Public Hearing for assessment roll for district and special improvement assessment.

Supervisor's Report

Correspondence

Agenda Items

- Recognition of student's artwork at the Earth Day 2009 Student Art Competition sponsored by the LaGrange Conservation Advisory Council
- Letter of resignation from Joseph Zeidan as member of the Zoning Board of Appeals
- Letter of resignation from John C. Gunn as liaison to the Public Safety Committee
- Town Board to approve cancelling the Town Board Meeting on Wednesday, November 25, 2009 due to the Thanksgiving holiday
- The Tentative 2010 budget has been review by the Town Board in various workshop sessions and changes have been made. The Tentative Budget becomes the Preliminary Budget. The Preliminary budget will be filed in the office of the Town Clerk.
- The Board will discuss setting guidelines for employees with driver license violations
- Legal discussion regarding T-Mobile law suit

Committee Reports

- Water and Sewer
- Recreation
- Open Space
- Highway

Town Board Comments

- This time is set aside for new or old business not on the agenda

Town Attorney

- This time is set aside each meeting for new business by the Town's Attorney not listed elsewhere in the agenda

Administrator of Public Works

- This time is set aside each meeting for the Administrator of Public Works to discuss Planning, water, sewer, MS4 and related topics not listed elsewhere on the agenda.

Environmental Consultants

- Reports from the operators of the Town's water and sewer facilities

Public Comment

- Public comments are accepted during this time.

Executive Session**Adjournment**

**STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE**

**TOWN BOARD MEETING
OCTOBER 28, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Gary Beck
Councilman Steve O'Hare
Councilman Edward P. Jessup

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

Others Present: Ron Blass Esq., Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works
Diana Campaglione, Environmental Consultants

A regular meeting of the Town Board was held on Wednesday, October 28, 2009 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Deputy Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes from October 14, 2009. Councilman Jessup made the motion, seconded by Councilman Beck and carried unanimously.

Public Hearing

Supervisor Wagner gave a brief explanation of the purpose of the Public Hearing for the Assessment Roll for District & Special Improvement Assessments since it has been cause for confusion in the past. It is the only Public Hearing in which a mailer goes out to individual residents. There are special districts in the Town of LaGrange; water, sewer, lighting, etc. As a result of that there are benefit assessments assigned to properties. In general, a residential property equates to one benefit unit. That is the multiplier used when the Town, who administers the special districts, figures out your share of the borrowing. This is not a public hearing about the rate for water or sewer; that is next week. Ron Blass added that this is not anything to do with the assessed value of your house. Ms. Livigni added that the assessments have not changed since the districts have been created unless they have been grieved in the past. (SEE ADDENDUM)

Councilman Luna made the motion to open the Public Hearing, seconded by Councilman Jessup, carried unanimously.

Mark Mulligan, Daly Road asked: "How do you know what districts you are in and what affects us and doesn't affect us? Councilman Beck asked if Mr. Mulligan has central water, central sewer or central lighting? Mr. Mulligan replied that he is in a lighting and septic district. Ms. Livigni explained that is what it's for.

Mr. Blass added that the January tax bills list the special districts as separate line items.

Councilman O'Hare made a motion to close the Public Hearing, seconded by Councilman Jessup; carried unanimously.

Supervisor's Report

Supervisor Wagner reported that he continues to have conversations with other supervisors and mayors regarding efforts to try to hold off any attempts of the County to pass on County costs to the municipalities. The county budget is due on November 1, 2009. In the County Executives budget, we know of two things so far proposed to be passed onto the municipal tax payers; the cost of law enforcement and the cost of the Board of Elections. It has been the position of this board and the other mayors and supervisors in Dutchess County that passing those costs onto the municipal tax payers will only artificially inflate the municipal tax rate. Supervisor Wagner, speaking as the President of the Mayors and Supervisors' Association, conveyed that County costs are County costs; they are County departments and should be budgeted, managed and taxed at the County level.

Correspondence

Supervisor Wagner read a letter from the Town of LaGrange to Mrs. Joseph Luna, confirming her retirement effective October 7, 2009 and acknowledged the receipt of her retirement paperwork. Supervisor Wagner expressed that Mrs. Luna will be sorely missed as she has been a long time employee and a good friend to all of us at Town Hall.

Supervisor Wagner advised the Board that Superintendent of Highways, Michael Kelly requested that the Town Board change the position of Administrative Secretary to the Highway Superintendent at the Town of LaGrange to the title of Secretary to the Highway Superintendent. Town Law allows the Superintendent of Highways to have a Secretary to the Highway Superintendent, an exempt position, which allows more personal selection of the secretary. The salary and benefits will remain the same; it is the intention is to fill the position from within.

Agenda Items

Supervisor Wagner wished to recognize the Earthday 2009 Art Contest Award Winners and called on Mr. Maung Htoo from the LaGrange Conservation Advisory Committee together with Mr. Ted Braggins, the Art Coordinator at Arlington High School, to read the names of the winners. The First Place winner is Victoria Barna, the second place winner is Sarah Welty (present) and the third place winner is Michelle Rodriguez. Mr. Htoo explained that the artwork was judged by Carole Wolf from the Mill Street Loft. Supervisor Wagner thanked Mr. Htoo for personally donating the prize money to the winners so tax-payer money would not be used. The

artwork will be displayed in Town Hall. Mr. Htoo thanked Supervisor Wagner for presenting the awards on May 18, 2009 at the High School. Supervisor Wagner extended his thanks to Maung Htoo who has been a wonderful volunteer to the Town of LaGrange.

Supervisor Wagner stated that the Town Clerk's Office has received a letter from Joe Zeiden resigning from the Zoning Board of Appeals. The Town Board had appointed Mr. Zeiden to the Planning Board.

A letter of resignation was received from John Gunn as the Planning Board Liaison to the Public Safety Committee. Mr. Gunn remains a member of the Planning Board. The Town Board thanks Mr. Gunn for his work. Supervisor Wagner stated that an effort will be made to get a member of the Planning Board to become Liaison to The Public Safety Committee. The purpose of the Public Safety Committee is to make sense of the traffic problems in the Town of LaGrange. Supervisor Wagner is going to ask the Public Safety Committee to look at the County's Executives proposal and consider what it will mean to LaGrange if it will have to pay a couple million dollars for law enforcement.

Supervisor Wagner informed the Board that approval was needed to cancel the Town Board Meeting scheduled for November 25, 2009, due to the Thanksgiving Holiday. Councilman Jessup made the motion to approved the cancellation, seconded by Councilman Beck; carried unanimously.

Supervisor Wagner stated that the Tentative 2010 Budget was distributed to the Town Board on September 30, 2009 and had been worked on at every workshop meeting since. Supervisor Wagner further explained when the tentative budget was released it had 3.5% spending decrease; the Tentative Budget in its' current form (which will become the preliminary budget) has a 4.1 % decrease in spending from last year. The Tentative Budget was based on the fact that revenue is down; it originally had a 6% increase in tax levy which is down to 4.4%. Supervisor Wagner noted all jobs have been kept in place, furloughs and layoffs have been avoided, the vast majority of services have been kept in place, while some jobs have been reduced. An empty Highway positions will not be filled. Supervisor Wagner cited the following example: In 2009 if your house was assessed at \$400,000 at last years' rate you paid \$728 in town taxes and if your house got the 8% decrease, that the vast majority of homes got, you will pay \$752 this year; a \$24 difference. About 60 homes did not get the decrease.

Supervisor Wagner stated that the Public Hearing on the Town Preliminary Budget is on November 4, 2009 at 7:00 as is the Public Hearing for the Rates of Special Districts. Councilman Beck made a motion to approve the Tentative Budget to now be known as the Preliminary Budget; Councilman Jessup seconded the motion; carried unanimously.

Supervisor Wagner advised the Board that the Town needs to adopt a Vehicle Usage Policy that outlines who should drive Town vehicles, or their own vehicles for Town purposes. Supervisor Wagner referred to a matrix provided by Marshall and Sterling. NYMIR, the Town's insurance carrier, advised the Town that although they will insure someone with a poor driving record, they suggest a Vehicle Use Policy be put in place and caution there could be an increased liability and less coverage should someone with a poor driving record have a fatal accident or other

catastrophic event. Supervisor Wagner mentioned the policy has been reviewed by the Town's consultant that negotiates the union employee contracts; a copy also went to the CSEA. Councilman Luna made a motion to adopt the policy, seconded by Councilman Jessup. Councilman O'Hare questioned the details of the policy and recommended additional research be done before it is adopted. Supervisor Wagner asked Councilman O'Hare to conduct further research and report back to the Board. Councilman Luna rescinded his motion and tabled this agenda item.

Mr. Blass explained a Resolution that adopts the settlement parameters for the T-Mobil lawsuit. Councilman Jessup made a motion to authorize Supervisor Wagner to enter into the terms to settle the case; the motion was seconded by Councilman Luna; carried unanimously. (SEE ADDENDUM)

Committee Reports

Water & Sewer

No report

Recreation

Councilman O'Hare reported that Peter Huff conducted some research and scouted out locations to build the multipurpose ball field. The most inexpensive place to put a 90 foot junior/senior league field, which the Town currently does not have, is at Stringham Park in a location the Master Plan indicates a baseball field would go. Councilman O'Hare stated that Peter Huff indicates there is about \$109,000 left in LPI money that is slated for improving that location at Stringham Park. In the last seven or eight years the Town of LaGrange has not had a junior/senior league field; that is for 13 years and older. Councilman O'Hare requested a motion to authorize the Recreation Department to pursue research and development of the field; Councilman Jessup made the motion, seconded by Councilman Luan; carried unanimously. Supervisor Wagner stated that the money to be used for this would come from LPI (Park Improvement Fund), not the tax levy.

Open Space

Councilman Jessup reported that on Monday, October 26, 2009 the Open space committee met with the Dutchess Land Conservatory in Millbrook and there was a private company, that prefers to remain anonymous, that is very interested in contributing to the Elliot Sleight property. There was also a discussion at that meeting regarding the Red Oaks Mill Farm which is about 40 acres. Supervisor Wagner added that the other piece of property that is being considered for the Open Space money is the Pierson Farm on Skidmore Road. There is a public information session scheduled on December 2, 2009.

Highway

No report

Town Board Comments

No Comments

Town Attorney

Mr. Blass reviewed a Resolution for the Green Innovation Program setting a Public Hearing for November 12, 2009 to allow those served by Titusville Sewer District to comment on upgrading of the aeration system at the plant for the purpose of saving money and electricity. Supervisor Wagner requested a motion to set the Public Hearing for November 12, 2009. Councilman O'Hare so moved; seconded by Councilman Luna; carried unanimously. (SEE ADDENDUM)

Supervisor Wagner added that most of the approvals have been received to get a grant for \$451,000 worth of upgrades to the new plant to change over to more energy efficient aerators; the Town will match \$45,100. The end result will be 61% energy efficiency at no cost to the district.

Mr. Blass explained a Resolution for the Town Board's approval and acknowledgement that the bid specifications will meet the State and Federal requirements on Buying American products and Davis-Bacon Prevailing Wage. Supervisor Wagner requested a motion to approve this resolution; Councilman O'Hare so moved; seconded by Councilman Beck; carried unanimously. (SEE ADDENDUM)

Supervisor Wagner requested a motion for the Town Board to approve a Resolution authorizing him to execute an Agreement with Van DeWater and Van DeWater as legal counsel for services provided in relation to the Green Innovation Grant Program, under the requirements of Environmental Facilities Corporation. Councilman Beck made a motion to approve the Resolution, seconded by Councilman Jessup; carried unanimously. (SEE ADDENDUM)

Public Works

No Report

Environmental Consultants

Noxon Knolls was flushed for a second time on October 27, 2009.

Public Comment

Councilman Luna made a motion to open the meeting to public comment, seconded by Councilman Jessup; carried unanimously.

Charles Altman, Memory Trail had two questions regarding the construction behind them that has been going on for five to seven years. "Why is there no over-site because there have been some observations of things being buried?" "What is going on with that project?" Ms. Livigni responded to Mr. Altman's question as follows: That is the Harvest Ridge Subdivision that has preliminary approval and received a Special Use Grading Permit to do the work they are now doing. They have put in inspection fees and the Town has gone out there and done erosion and sedimentation control inspections. That subdivision has not been finally approved so anything they do at this point is at their own risk.

Supervisor Wagner asked Mr. Altman if he was asking if someone from the Town is assigned to watch them as they work? Supervisor Wagner state the answer to that would be no; there are periodic inspections. Supervisor Wagner also suggested that if anyone observes anything being buried, they should call Ms. Livigni and she will go over and check into it.

Councilman Jessup made a motion to close the Public Comment; seconded by Councilman O'Hare; carried unanimously.

Councilman Jessup made a motion to adjourn the meeting, seconded by Councilman O'Hare; carried unanimously. The meeting adjourned at 8:10 p.m.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Affidavit of Publication: Assessment Roll for District and Special Improvement Assessments**
- **Resolution: T- Mobile Settlement**
- **Resolution: Notice of Public Hearing GIGP Titusville Sewer District**
- **Resolution: GIGP Buy American**
- **Resolution: Designating Van DeWater & Van DeWater as legal counsel for GIGP**

RESOLUTION

Councilman Jessup, offered the following resolution, which was seconded by Councilman Luna, who moved its adoption:

WHEREAS, T-Mobile Northeast LLC and T-Mobile License LLC (collectively the "Plaintiffs"), commenced a lawsuit on March 5, 2008 based upon the federal Telecommunications Act of 1996 and New York State law against the Town of LaGrange, Town of LaGrange Planning Board, Town of LaGrange Zoning Board of Appeals and the Town of LaGrange Planning, Zoning and Building Department (collectively the "Defendants"); and

WHEREAS, both Plaintiffs and Defendants moved for partial summary judgment on certain of the asserted claims; and

WHEREAS, by Decision and Order dated September 1, 2009 the Court granted Plaintiffs' motion in all respects except insofar as summary judgment was sought on Plaintiff's Ninth Cause of Action, and denied the Defendants' motion in all respects except insofar as the Defendants sought dismissal of Plaintiffs' Ninth Cause of Action and directed the Defendants and any and all agencies, boards and authorities acting on its behalf to issue all necessary orders such that Plaintiffs' equipment can be in service within 90 days; and

WHEREAS, by Order dated September 11, 2009 the Court issued a mandatory permanent injunction directing the Defendants to undertake certain efforts within prescribed periods of time to permit the installation of Plaintiffs' wireless service facility; and

WHEREAS, the Defendants have filed an appeal of the Decision and Order dated September 1, 2009 and the Order dated September 11, 2009; and

WHEREAS, among the causes of action not resolved on the summary judgment motion were the Plaintiffs' facial challenges to the Defendant Town of LaGrange's Telecommunications Law; and

WHEREAS, Defendant Town of LaGrange Planning Board granted Plaintiffs a special use permit for the operation of their wireless service facility at the so-called "ATC Site" located at 20 Vervalen Drive in the Town of LaGrange on September 15, 2009; and

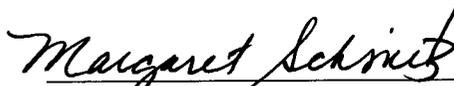
WHEREAS, the Town Board wishes to enter into a Stipulation Agreement Order to settle the aforesaid case, under the terms and conditions included within a proposed Agreement annexed hereto as Exhibit "A"

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves and authorizes Van DeWater & Van DeWater, LLP to execute the Stipulation of Settlement annexed hereto as Exhibit "A."

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman O'Hare	AYE
Councilman Jessup	AYE

DATED: LaGrangeville, New York
October 28, 2009



MARGARET SCHMITZ
DEPUTY TOWN CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**T-MOBILE NORTHEAST LLC and
T-MOBILE LICENSE LLC,**

Plaintiffs,

-vs-

**TOWN OF LAGRANGE,
TOWN OF LAGRANGE ZONING BOARD OF
APPEALS,
TOWN OF LAGRANGE PLANNING BOARD, and
TOWN OF LAGRANGE PLANNING, ZONING AND
BUILDING DEPARTMENT,**

Defendants.

**STIPULATION OF
SETTLEMENT AND
[PROPOSED] ORDER**

08 Civ. 2201 (CM)(GAY)

WHEREAS, Plaintiffs ("Plaintiffs") commenced the above-captioned action on March 5, 2008 based upon the federal Telecommunication Act of 1996 and New York State law against the above-named Defendants ("Defendants"); and

WHEREAS, both Plaintiffs and Defendants moved for partial summary judgment on certain of the asserted claims; and

WHEREAS, by Decision and Order dated September 1, 2009 the Court granted Plaintiffs' motion in all respects except insofar as summary judgment was sought on Plaintiff's Ninth Cause of Action, and denied the Defendants' motion in all respects except insofar as the Defendants sought dismissal of Plaintiffs' Ninth Cause of Action and directed the Defendants and any and all agencies, boards and authorities acting on its behalf to issue all necessary orders such that Plaintiffs' equipment can be in service within 90 days; and

WHEREAS, by Order dated September 11, 2009 the Court issued a mandatory permanent injunction directing the Defendants to undertake certain efforts within prescribed periods of time to permit the installation of Plaintiffs' wireless service facility; and

WHEREAS, the Defendants have filed an appeal of the Decision and Order dated September 1, 2009 and the Order dated September 11, 2009; and

WHEREAS, among the causes of action not resolved on the summary judgment motion were the Plaintiffs' facial challenges to the Defendant Town of LaGrange's Telecommunications Law; and

WHEREAS, Defendant Town of LaGrange Planning Board granted Plaintiffs a special use permit for the operation of their wireless service facility at the so-called "ATC Site" located at 20 Vervalen Drive in the Town of LaGrange on September 15, 2009; and

WHEREAS, the parties are entering into this Stipulation to resolve any and all disputes regarding the causes of action asserted in this action;

NOW, it is hereby stipulated and agreed to between the parties, none of whom is an infant or incompetent, as follows:

1. The duration of Plaintiffs' special use permit for the "ATC site" shall be extended from two years to five years.

2. The expiration of Plaintiffs' special use permit shall not become effective until Plaintiffs receive written notice, via certified mail, return receipt requested, from the Defendants informing Plaintiffs that the permit has expired, and that Plaintiffs have thirty (30) days from the date of the receipt of the written notice in which to take action to notify Defendants of Plaintiffs' intent to renew the permit. Within this thirty (30)-day period of time, the Plaintiffs' shall submit a renewal application for administrative approval in accordance with the terms currently in place under Town Code §240-49(J). The renewal application shall be processed in accordance with the terms currently in place under Town Code §240-49(J). The special use permit shall expire if Plaintiffs fail to submit a renewal application within the thirty (30)-day period of time.

3. Defendants shall withdraw, with prejudice, its pending appeal of the Decision and Order dated September 1, 2009 and the Order dated September 11, 2009.

4. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties shall voluntarily dismiss the causes of action remaining in this action without an award of costs or attorney's fees to any party as against any other party. Such voluntary dismissal shall be with prejudice, with the exception of Plaintiffs causes of action challenging the Defendant Town's telecommunications law, which shall be voluntarily dismissed without prejudice to re-assert those causes of action at any time in connection with any other development effort by Plaintiffs within the Town of LaGrange or Plaintiffs provision of wireless service within the Town of LaGrange.

5. In the event Plaintiffs re-assert the causes of action challenging the Defendant Town's telecommunications law at some future date, the parties shall jointly request that the action be assigned to this Court given its familiarity with the parties and the nature of their dispute.

6. The Court shall retain jurisdiction over the terms of this Stipulation and all matters arising thereunder.

7. The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Stipulation constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

8. This Stipulation shall supersede any other agreement, written or oral, pertaining to the matters covered herein.

9. This Stipulation or any of its provisions may not be amended or modified for any purpose, other than by a written agreement executed by all parties.

10. This Stipulation shall be binding on the parties and their respective successors and assigns.

11. All notices and written communications between the parties concerning this Stipulation shall be deemed to have been delivered upon receipt or refusal of delivery to the following addresses:

If to the Defendant Town: Supervisor
Town of LaGrange
120 Stringham Road
LaGrangeville, NY 12540

With copy to: Van DeWater & Van DeWater, LLP
PO Box 112
Poughkeepsie, NY 12601

If to Plaintiffs: T-Mobile Northeast LLC
Attn: Property Management
4 Sylvan Way
Parsippany, NJ 07054

With Copies to: T-Mobile Northeast LLC
103 Monarch Drive
Liverpool, NY 13088
Attn: Regional Zoning Manager

and

T-Mobile USA, Inc.
Attn: Legal Dept.
12920 SE 38th Street
Bellevue, WA 98006

and

Jeffrey W. Davis, Esq.
Hiscock & Barclay, LLP
One Park Place
300 S. State St.
Syracuse, NY 13202

Any party may change the address to which notice is to be sent by like notice. Any successor elected official shall be deemed to have been changed as to this notice provision by virtue of his or her assumption of their office.

12. Each of the undersigned has obtained the complete authority from its governing board or members to execute this Stipulation.

HISCOCK & BARCLAY, LLP

By: _____
Jon P. Devendorf (JD2724)
John D. Cook (JC2885)

One Park Place
300 South State Street
Syracuse, New York 13202-2078
Telephone: (315) 425-2724
Facsimile: (315) 425-8551
E-Mail: jdevendorf@hblaw.com
E-Mail: jcook@hblaw.com

Attorneys for Plaintiffs

Dated: October ___, 2009

VAN DEWATER & VAN DEWATER, LLP

By: _____
Rebecca A. Valk (RV1766)

40 Garden Street
P.O. Box 112
Poughkeepsie, New York 12602
Tel: (845) 452-5900
Fax: (845) 452-5848
E-Mail: rwalk@vandewaterlaw.com

Attorneys for Defendants

Dated: October ___, 2009

[PROPOSED] ORDER

Based upon the stipulation of the parties; and for good cause shown,

IT IS ON THIS ___ day of _____ 2009;

ORDERED that the parties to this action shall comply with the terms of the Stipulation of Settlement; and

IT IS FURTHER ORDERED that this action is dismissed in accordance with the terms of the Stipulation of Settlement and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedures, and without an award of costs or attorney's fees to any party as against any other party; and

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over the Stipulation of Settlement and all matters arising thereunder.

IT IS SO ORDERED.

DATED: _____, 2009
New York, New York

Hon. Colleen McMahon
United States District Judge

RESOLUTION

Supervisor Wagner introduced the following resolution, which was seconded by Councilman O'Hare.

WHEREAS, the Town Board acts by law as Commissioners of an existing sewer improvement district known as the Titusville Sewer District in the Town of LaGrange; and

WHEREAS, the Town Board has received a map and plan dated October 28, 2009, and prepared by the Clark Patterson and Lee, which presents a description of improvements to the Wastewater Treatment Plant of the Titusville Sewer District under a federal and state Green Innovation Program.

NOW, IT IS HEREBY RESOLVED THAT:

1. The Town Board ratifies the preparation the aforesaid map and plan, and accepts the document for purposes of going forward under Section 202-b of the Town Law.

2. The Town Board will consider the aforesaid map and plan for the proposed improvement of the facilities of the Titusville Sewer District at a public hearing pursuant to Section 202-b of the Town Law.

3. The aforesaid public hearing shall be held at Town Hall, 120 Stringham Road, LaGrangeville, New York on November 12, 2009 at 7:30 p.m., prevailing time in accordance with the

annexed public hearing notice, at which time and place said Town Board will hear all persons interested in the subject.

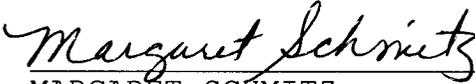
4. The Town Clerk of the Town of LaGrange is hereby authorized and directed to cause the notice of said public hearing to be published in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days, and not more than 20 days before the date of public hearing, in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at the Town Hall, 120 Stringham Road, LaGrangeville, New York on November 12, 2009 at 7:30 o'clock, p.m., prevailing time, for the purpose of conducting a public hearing relating to a map and plan of Clark Patterson and Lee bearing date of October 28, 2009 and on file with the Town Clerk at Town Hall, 120 Stringham Road, LaGrangeville, New York, which describes an energy efficiency improvement to the Wastewater Treatment Plant of the Titusville Sewer District in the nature of modification of aeration to save operating costs in an effort to reduce usage rates. Total estimated cost of the improvement is \$451,000, of which ninety (90%) is to be covered by federal and state Green Innovation Program Grant.

At the time of public hearing, the Town Board will hear all persons interested in the subject thereof concerning the same.

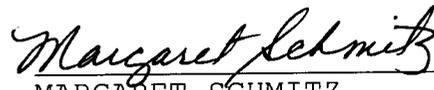
DATED: LaGrangeville, New York
October 28, 2009


MARGARET SCHMITZ,
DEPUTY TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman O'Hare	AYE

DATED: LaGrangeville, New York
October 28, 2009


MARGARET SCHMITZ,
DEPUTY TOWN CLERK

RESOLUTION

Councilman O'Hare, seconded by Councilman Beck, offered the following resolution:

WHEREAS, the Town of LaGrange has been awarded a grant under the Environmental Facilities Corporation's "Green Innovation Grant Program" for the replacement of the existing vertical shaft aerators with more energy efficient blowers and fine bubble diffusers in the Sequence Batch Reactors at the Town of LaGrange Titusville Wastewater Treatment Facility (the "Project"); and

WHEREAS, the total project cost is estimated to be \$451,000. The total project cost shall be paid for as follows: the grant award is in the amount of \$405,900 and the Town is required to provide a local match in the amount of 10% of the total project cost, which is \$45,100.

NOW, THEREFORE, be it resolved as follows:

1. The Town Board acknowledges and agrees that the contract and bid documents must include requirements that contractors comply with Buy American and Davis-Bacon Prevailing Wage, as more fully specified within Exhibits I and K to the proposed contract. .

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman O'Hare	AYE
Councilman Jessup	AYE

DATED: LaGrangeville, New York
October 28, 2009


MARGARET SCHMITZ,
DEPUTY TOWN CLERK

RESOLUTION

Supervisor Wagner, offered the following resolution, which was seconded by Councilman Beck, who moved its adoption:

WHEREAS, the LaGrange Town Board has designated VanDeWater & VanDeWater ("Law Firm"), as its general legal counsel for 2009, to provide services on legal issues concerning design, construction, funding, environmental review, and New York State Environmental Facilities Corporation ("EFC") grant funding, under the Green Innovation Grant Program ("GIGP") for the energy efficiency upgrading of the aeration equipment the Town's Titusville Sewer District Wastewater Treatment Plant ("Project"); and

WHEREAS, the designation of Law Firm to provide professional services on this Project is intended to, and has continued to, entail the same terms and conditions, and the same hourly rate of compensation, as all of the legal services rendered by Law Firm in regard to the providing of professional services to special districts of the Town; and

WHEREAS, it is the purpose of this Agreement to memorialize the aforesaid designation and use of Law Firm's professional services, as aforesaid, with respect to the Project;

WHEREAS, sole purpose of this Agreement is to state, for purposes of the New York State Environmental Facilities

Corporation financing, the basis under which VanDeWater & VanDeWater is compensated on the Project so that the Town may include such expenditures in EFC GIGP grant;

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the agreement with VanDeWater & VanDeWater attached hereto as hereto as Exhibit "A", for the purposes described herein, or any other agreement having substantially the same or similar provisions.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman O'Hare	AYE
Councilman Jessup	AYE

DATED: LaGrangeville, New York
October 28, 2009


MARGARET SCHIMTZ,
DEPUTY TOWN CLERK

AGREEMENT

Between the TOWN OF LAGRANGE ("Town") and the Town's TITUSVILLE SEWER DISTRICT ("District"), a municipal corporation organized under the laws of this state with principal offices at Town Hall, 120 Stringham Road, LaGrangeville, New York, 12540, and VANDEWATER & VANDEWATER, LLP, a limited liability partnership, organized under the laws of this state, with a principal office at 40 Garden Street, 5th Floor, Poughkeepsie, New York, 12601 (hereinafter "Law Firm").

WHEREAS, the Town Board designated the Law Firm as its general legal counsel to provide services on legal issues concerning design, construction, funding, environmental review, and New York State Environmental Facilities Corporation ("EFC") grant funding, under the Green Innovation Grant Program ("GIGP") for the energy efficiency upgrading of the aeration equipment the Town's Titusville Sewer District Wastewater Treatment Plant ("Project"); and

WHEREAS, heretofore Law Firm has been continuously reappointed for several years, including 2009, as attorneys to the Town of LaGrange to handle special district matters such as this Project, among other things; and

WHEREAS, the designation of Law Firm to provide professional services on this Project entails the same terms and conditions, and the same hourly rate of compensation, as all of the legal services rendered by Law Firm on special district matters; and

WHEREAS, it is the purpose of this Agreement to memorialize the aforesaid designation and use of Law Firm's professional services, as aforesaid, with respect to the Project;

NOW, IT IS HEREBY AGREED between Town and Law Firm as follows:

1. For purposes of the Project, Town and Law Firm have enter into this Agreement to memorialize and ratify the fact that Law Firm, as attorneys to the Town, has been designated to render legal professional services to the Town on the Project, and that the Law Firm shall be compensated in this role in accord with the same terms and conditions which apply to its general retention and compensation on an hourly rate basis by the Town with regard to special district legal matters entrusted to it, said rate having been \$165.00 per hour, plus disbursements.

2. The Town's continued use of professional services by Law Firm shall, as in the past, be at the Town's future discretion.

3. The sole purpose of this Agreement is to memorialize for the EFC of the State, consistent with its requirements for GIGP grant to the Project, the role and function of Law Firm in the providing professional legal services regarding the Project.

TOWN OF LAGRANGE

By: _____
Jon J. Wagner,
Supervisor

VANDEWATER & VANDEWATER, LLP

By: _____
Ronald C. Blass, Jr., Partner