

LaGrange Town Board Meeting

June 9, 2010

AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from May 26, 2010

Monthly Reports

The Town Board will consider acceptance of the monthly revenue reports from town departments as follows:

- | | |
|---|-------------------|
| • Building, Zoning, Public Works & Planning | Total \$17,760.00 |
| • Highway Department | Total \$ 0.00 |
| • Justice Caplicki (incl. State Share) | Total \$27,813.00 |
| • Justice Greller (incl. State Share) | Total \$21,130.00 |
| • Recreation | Total \$76,026.20 |
| • Town Clerk (incl. State & County Share) | Total \$ 1,639.00 |

Supervisor's Report

Correspondence

- Time Warner Cable

Agenda Items

Public Hearing

- Public Hearing for the Sleight Farm Property

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 Towns Attorney not listed elsewhere in the agenda

Administrator of Public Works

- Former Titusville WWTP: consideration of resolution for borrowing to decommission plant in conformance with NYSDEC
- Consideration of approval of the Taconic Crossings Stormwater Maintenance Bond for \$13,378
- GIGP Titusville WWTP aeration upgrade: notification of cost reduction to previously approved Change Order #2

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
JUNE 9, 2010**

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

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

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

A Regular Meeting of the Town Board was held on Wednesday, June 9, 2010 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 May 26, 2010. Councilman Jessup so moved; seconded by Councilman Beck. Supervisor Wagner abstained from voting, as he was absent at the May 26, 2010 meeting; all other Councilmen voted, AYE; motion carried.

Supervisor Wagner asked for a motion to accept the monthly reports for April, 2010. Councilman Luna so moved; seconded by Councilman Beck; carried unanimously.

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|---|--------------------|
| Building, Zoning, Public Works & Planning | Total \$ 17,760.00 |
| Highway Department | Total \$ 0.00 |
| Justice Caplicki (incl. State Share) | Total \$ 27,813.00 |
| Justice Greller (incl. State Share) | Total \$ 21,130.00 |
| Recreation | Total \$ 76,026.20 |
| Town Clerk (incl. State & County Share) | Total \$ 1,639.00 |

Supervisors Report

Supervisor Wagner asked Carl Valentino to come up to the microphone. Supervisor Wagner stated that Carl Valentino has done a really great thing for the Town of LaGrange. He explained that at the Farmer's Museum in Cooperstown, New York, there is the Empire State Carrousel. Mr. Valentino and his wife noticed that at the top of the carrousel there are the names of many of

the municipalities in Dutchess County, but LaGrange. Supervisor Wagner explained that Mr. Valentino took it upon himself to talk to the people at the Farmer's Museum to find out what it would take to get LaGrange represented on the Carrousel. Mr. Valentino found out that LaGrange can be added to the carrousel and, they gave him a wooden plaque, which Mr. Valentino had engraved, at his own expense, and has donated it to the Town. Supervisor Wagner thanked Mr. Valentino and presented him with a certificate of appreciation; which the Supervisor read aloud.

Supervisor Wagner expressed that he knows where Mr. Valentino's heart is when it comes to Memorial Day and Veteran's Day. He stated that Mr. Valentino does a lot of service in the community by getting flags that have flown over federal buildings, flags that have been flown with our Armed Forces, and seeing that those flags get flown at the St. Denis Cemetery. Supervisor Wagner stated that he asked Mr. Valentino to be our speaker, here at Town Hall, on Memorial Day. Supervisor Wagner thanked Mr. Valentino and presented him with a Certificate of Thanks, which read: "In recognition of your service to our Country and the United States Navy, and for your thoughtful remarks on Memorial Day, 2010." Mr. Valentino remarked that one of the flags he just had flown was from the U.S.S. New York, which was forged of the steel recovered from the World Trade Center.

Correspondence

Supervisor Wagner stated that Time Warner Cable has notified the Town of changes to their channel line-up. This correspondence will be in the Town Clerk's Office for two weeks.

Agenda Items

Public Hearing

Supervisor Wagner gave a brief history of Open Space in the Town of LaGrange and stated that the Open Space Implementation Committee is here tonight to present their recommendation to purchase Sleight Farm development rights through the Open Space Program. Duane Beyer presented the first part of the Open Space Sleight Property Project Particulars, which included the history of Open Space and information on how properties are selected. Connie Kustas, an Open Space Implementation Committee Member, presented the second part of the Sleight Property Project Particulars, addressing why the Sleight Farm is being considered for the Open Space Program. Mrs. Kustas also presented information on agricultural areas, natural systems, water resources, a vision map for Open Space, and how the Sleight Farm fits with the Open Space Plan. Mrs. Kustas explained that the Sleight Farm meets all three high priority criteria requirements for Open Space, which are: ecological resources, working landscapes, and water resources. Mrs. Kustas added that the Sleight Farm being adjacent to active farmland with a protective easement is an added bonus. This presentation package is available in the Town Clerk's Office.

Mr. Beyer introduced Jen Cherry, from Dutchess Land Conservancy (DLC), to present information on DLC, conservation easements and the purchase of development rights, and more detailed information on the Sleight Farm Property. Ms. Cherry stated that she and Becky

Thornton are with DLC, in Millbrook. DLC is celebrating their 25th anniversary and holds about 330 conservation easements on 32,000 acres across Dutchess County. DLC is responsible for monitoring and enforcing those easements. DLC works with willing land owners that have expressed an interest in protecting their property with a conservation easement, municipalities and the Open Space Committee. Ms. Cherry explained that a conservation easement is a legal agreement between the landowner, DLC and, in this case the Town, that restricts the development and use of the property. Easements are legal documents that are recorded at the County Clerk's Office, and in most cases they are perpetual documents. As a Conservancy, DLC holds the easements that are granted to the Conservancy and is obligated to steward, monitor and, enforce the easement. The Conservancy does not own the land however, they hold the easement. Ms. Cherry stated that the property owner still owns the land, pays taxes on it, and maintains the land. She added that all sales, mortgages and, or leases, on the property are subject to the terms of the easement.

Ms. Cherry discussed the purchase of development rights and explained that every property has development rights that are determined by such things as zoning and natural constraints. She explained that when a landowner decides they wish to give up some of those rights, they can sell them and actually be paid for them based on their value which is determined by a qualified appraiser. The sale of development rights actually extinguishes the development rights when the easement is put on record.

Ms. Cherry showed a photo of the Sleight Farm property in 1936 as well as a recent comparison photo to point out that the property has not changed much in that time period, however the properties surrounding it have changed a great deal. Ms. Cherry pointed out that the Sleight Farm property contains 93 acres of prime farmland soils and 16 acres of statewide important soils. The property is in the Sprout Creek watershed and is a gentle sloping farmland property.

Ms. Cherry explained what a conservation easement on this property would be like. She stated that there are farmstead complex areas and farm areas. The farmstead complex covers the existing house and barn, and would never have more than one house on the entire 111 acre property. Conservation easements try to cluster agricultural buildings primarily in the farmstead complex leaving the farmland open and viable for agriculture. Ms. Cherry stated that if this goes through, in conjunction with Sprout Creek Farm next door, there would be 300 acres of contiguous farmland on East Noxon Road. This presentation package is available at the Town Clerk's Office.

Supervisor Wagner opened the meeting up for public comment. Notice of said Public Hearing was duly published in the Poughkeepsie Journal on June 2, 2010, with same being posted on the same date at the Town Hall. (SEE ADDENDUM)

Marie Caruso, a neighbor of the Sleight Farm property, expressed her concern about the perpetuity of conservation easements because years ago she was involved in the Minnewaska easement through the Sierra Club. Ms. Caruso stated that easement was changed by the Palisades Interstate Park Commission to allow Marriott to build there. Ms. Caruso asked how the law has been changed so that, if the town acquires an easement on this property, there is

absolute certainty that no town board or any political entity in the future would ever be able to change it.

Ms. Cherry responded by saying that is a good question and that is why you want a land trust and a municipality to hold the easement. If it is held by just a municipality they may not be bound by the same rules as the DLC, a non-profit land conservation organization. The State can do more to amend an easement, and easements can be amended, but the conservation purposes or values of the easement cannot be changed. That is why DLC recommends that town's co-hold the easement with a conservatory, because it offers another layer of protection that you would have to get through to change an easement. Becky Thornton, President of Dutchess Land Conservancy, added that if an amendment is to be considered, the property still has to remain a farm and cannot have any more houses on it than originally stated in the easement; typically there are no major changes in amendments.

Ms. Thornton explained that DLC is a conservation organization with a reputation of over 25 years of experience that they wish to protect; otherwise no one would be willing to work with them. She added that by law, DLC could lose its' not for profit status if regulations are not adhered to. Environmental Conservation Law sets out what can and cannot happen for a conservation easement. Ms. Thornton added that the State has the ability to do things that DLC does not, and she hopes that this offers some additional level of comfort.

A comment was made from the audience that was inaudible. Ms. Thornton offered the following response: "There is nothing in the law that has changed to make them stronger however, people are more aware of them. Again, DLC has been around for 25 years, I've been there for 21 of the 25 and have been in the conservation business for a long time. Across the nation, conservation groups follow this. There is a national organization called the *Land Trust Alliance*. No one wants easements to go away for no reason. The whole Nation is looking at this because if one goes away, it affects all the rest. This is not just about us; it is being looked at nationally to ensure easements are perpetual. Even though there has not been a change in the laws, there are State Laws and Federal Laws that set forth conservation easements and, we are making a promise to keep the easements perpetual. There is strength in that promise and that we have a reputation to uphold."

Peter Plavchan, Apple Summit Lane, stated that the term "forever farm land" that is often used in deeds, as a deed restriction, is something he would like to see included in this conservation easement. Mr. Plavchan also asked about mineral rights i.e. gas drilling, or oil drilling, again the term "forever farm land" has the ultimate clinch for this type of development of land conservancy. Mr. Plavchan explained that would prevent deterioration of the aquifer that is going on, as an example, in Sullivan County with gas drilling and horizontal cracking that can cause pollution of the watersheds. Mr. Plavchan said "those three words are what I would like to see, should it go forward, as part of a deed restriction."

Ms. Cherry commented on Mr. Plavchan's remarks concerning forever farm land. She explained that the way these agricultural easements work, when you are dealing with the State, they are always trying to protect the land so it is always viable agricultural land. It is very hard to put a term in an easement that says you have to farm this property, for an example, if no one is there

for five years. What an easement can do is force it to stay open and not allow someone to build there, so it will always be viable, prime, state important farmland. If there is ever a gap between farmers, it still can be farmed. It is hard to put a provision in there that says you have to farm this, because economically some years it is not going to make sense for that particular person. Although "forever farm land" is a difficult provision to include, DLC will put many other provisions in there to make sure it will always be a viable farm, no matter what.

Ms. Cherry addressed mineral rights, and stated that there is a section of the easement that says no sub-surface or surface mining is allowed however, it does permit the use of gravel borrow pits on the property to be used in making farm roads on the property and that kind of thing. Typically, easements do not allow for surface or sub-surface mining at all.

Mr. Plavchan made a comment from the audience which was inaudible. Ms. Cherry responded that there is a provision that is included in many of these easements that says if the property has not been mowed for a period of years, DLC has the right to mow the property to prevent it from becoming shrub covered and eventually returning to woodland.

Gary Polhemus, Smith Road, stated that he had chaired the Open Space Committee and in doing so he was very adamant about concentrating on the South West part of Town and the development impact of that side of Town. Mr. Polhemus stated that this is the best piece of property you can ask for fitting into the Open Space Plan. It is an excellent choice and commended Allen and Elliot Sleight for following through on this and offering it up. It is an excellent piece of property, especially with tying into Sprout Creek Farm. Mr. Polhemus stated that he was happy to hear about the provision that addresses the situation should the property not be mowed; he would hate to see it fall into something unsightly because it is a beautiful piece of property that needs to be maintained.

Marie Caruso, stated that the advantage of being so close to the property is that she has had the opportunity to be on the property when it wasn't being farmed, mainly in the winter. Ms. Caruso stated that she knows this is not part of the conservation easement but, it would be nice to have some public access to the property; particularly for snow shoeing, and cross country skiing. Ms. Caruso stated that from the top of the hills on that property, you have the most exquisite views in LaGrange and one can see the mountains on the other side of the river. Ms. Caruso stated that if that ever could be considered, it would be a wonderful thing for the Town.

Supervisor Wagner thanked the Implementation Committee for all their hard work. He wished to clarify for the record that that from the Town Board's point of view, it has always been the intention of the Town Board that any purchase of development rights that are made, are done with the strongest possible language and with no loop-holes, what so ever, so they stay as the Town intended them to stay, when they were purchased. He added that is why the Town has partnered with DLC rather than leave it to some other Board. Elections happen, people come and go, and rather than leave it to some other Board to change it and make a mockery of the whole thing. It has been the sole intention once the Town received the bonding power for Open Space, the Board told the public that they would have these public sessions and be as open as possible. Supervisor Wagner expressed his appreciation to the public for attending this evening. Supervisor Wagner stated that the Board will move forward working with DLC and the Sleight's

to come to an agreement on money matters and all the language. Supervisor Wagner said “I think it is an absolutely wonderful piece to preserve and, Gary said it right, you couldn’t ask for anything more.”

Councilman Jessup seconded the Supervisor’s opinion, as he is much in favor of the preserving this land.

Councilman Luna stated that it is well located and a necessary part of our Open Space Program.

There was a five minute recess to allow the Open Space Committee and DLC to take down their presentation equipment.

Committee Reports

Water & Sewer – No Report

Recreation Report

Councilman O’Hare reminded everyone that Community Day is June 12, 2010.

Open Space

Councilman Jessup reported that two applications have been received by the Open Space Committee; one is on Maloney Road and the other is on Rossway Road. Councilman Jessup stated that the applications have been reviewed by the Board and they do not look like viable options.

Highway

Councilman Jessup reported that the Highway Committee was unable to meet due to a conflict with the Gateway Hamlet Steering Committee meeting schedule. The Highway Committee expects to meet on June 28, 2010.

Town Board - No Report

Town Attorney

Bond Resolution

Ronald Blass introduced a Borrowing Resolution for a five year term to finance the demolition of the de-commissioned waste water treatment plant of the Titusville Sewer District. Supervisor Wagner explained that the Titusville WWTP needs to come down, the Department of Environmental Conservation has directed the Town to do so. Supervisor Wagner stated that the estimated maximum cost of doing this work is \$200,000.00 and asked for a motion to approve the Bond Resolution, with the maximum of \$200,000.00; the project will be put out to bid. Councilman Luna made a motion to approve the Bond Resolution; seconded by Councilman

O'Hare; carried unanimously. Ms. Livigni wished to clarify that \$200,000.00 includes soft and hard costs such as engineering, legal and, demolition. (SEE ADDENDUM)

Resolution

Ronald Blass introduced a proposed Resolution for Local Law# _____, 2010, that addresses the fact that the town parks, at the time of the Master Plan, were mapped as Park Districts. Mr. Blass explained that the Zoning Law following did not address the definition and defined uses allowable in the Park Districts, which covers basically just town parks. Mr. Blass stated that the proposed Resolution sets a Public Hearing for potentially June 23, 2010. Supervisor Wagner requested a motion setting the Public Hearing for June 23, 2010. Councilman O'Hare so moved; seconded by Councilman Jessup; carried unanimously. (SEE ADDENDUM)

Administrator of Public Works

Maintenance Bond

Ms. Livigni introduced a Stormwater Maintenance Bond for the Taconic Crossing site located on Route 55 and just East of Velie Road. Ms. Livigni stated that a letter from Storm Water Management Consultants was submitted to the Town Clerk's Office with a bond estimate. Mr. Artus has recommended a three year maintenance bond in the amount of \$13,378.00 which is 20% of the total estimated improvements. Ms. Livigni recommended the Town Board approve the Maintenance Bond. Councilman Beck made a motion to approve the maintenance bond; seconded by Councilman Jessup; carried unanimously. (SEE ADDENDUM)

Ms. Livigni reported that the stimulus project at the Titusville Waste Water Treatment Plant is underway and the contractor has arrived and started working last Tuesday. Ms. Livigni wished to make the Town Board aware that the revision that was made to Change Order No. 2, that was approved by the Town Board on April 28, 2010, was submitted to EFC who in turn did not accept the full scope. Ms. Livigni distributed to the Town Board, Change Order No. 2; that was approved by EFC and actually reduces the scope, leaving the total construction cost, with Change Order No. 1 and approved Change Order No. 2, to \$314,005.00; well within the grant total. (SEE ADDENDUM)

Environmental Consultants – No Report

Public Comment

Councilman Luna made a motion to open the meeting to public comment; seconded by Councilman O'Hare; carried unanimously

Mary Arnold, from the LaGrange Library Board of Trustees, wished to thank everyone that participated in the LaGrange Library publicity campaign photo shoot. She stated that the samples look great and the brochures will be coming out in the next week or so. The Library is proud to offer its' fifth annual summer reading challenge for teens and adults with developmental disabilities, it is starting this month. She added that at the end of the month the Library is

kicking off the children's summer reading campaign program, which is *Make a Splash into Summer*. Ms. Arnold announced that the adult program is co-sponsoring a presentation on slavery, anti-slavery and, the Under-Ground Railroad, presented by Dr. Kennon Moody, Co-chair of the Mid-Hudson Anti-slavery History Project. On June 16th, there is a presentation on the basics of digital photography with professional photographer, Al Nowak. The ongoing adult programs are Knitting & Crocheting, bridge group, board games, brain games and a newly formed Scrabble group. Ms. Arnold also wanted to make the public aware that one of the resources available at the Library is passes to the Mid-Hudson Children's Museum, the passes can be taken out just as you would take out a book. The Friends of the LaGrange Library Annual Meeting will be on June 10, 2010, followed by the Board of Trustees Meeting.

Peter Plavchan, Apple Summit Lane, spoke with Richard Dillmann, P.E, Traffic Engineer and Operations Manager at the Department of Transportation because two high school children were hit by cars at the intersection of Stringham Road and Route 55. Mr. Plavchan stated that what crossed him is that there are no school zone signs and no painted crosswalks anywhere. Mr. Plavchan stated that saying it's not my job doesn't really sit well with him, as he was told last week. Mr. Dillmann told him that D.O.T. cannot do anything until your town gives you a letter telling us to do so. Mr. Plavchan stated that he told Mr. Dillmann that he will personally be there to testify when the first child gets hit by a car because it's a very bad intersection. Mr. Plavchan stated that Mr. Dillmann tried to get out of it by saying that Arlington is a bus area, which is not true because children in the Arlingting School District that live within a mile school have to walk. Mr. Plavchan requested the Town Board send a letter to Mr. Dillmann stating that the Town wants a painted crosswalk across Route 55 for the children to cross at.

Councilman Jessup made a motion to close the public comment portion of the meeting; seconded by Councilman Luna; carried unanimously.

Councilman O'Hare made a motion to adjourn the meeting; seconded by Councilman Beck; carried unanimously. The meeting adjourned at 8:30 p.m.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Affidavit of Publication: Public Hearing – Purchase of Sleight Farm development rights for Open Space Program**
- **Bond Resolution: Issuance of \$200,000.00 Serial Bonds for the demolition of a de-commissioned structure in the Titusville Sewer District**
- **Affidavit of Publication: Legal Notice of Estoppel - Issuance of \$200,000.00 Serial Bonds for the demolition of a de-commissioned structure in the Titusville Sewer District**
- **Resolution: Local Law #__, 2010 Amending Chapter 240 “Zoning” Parkland Districts**
- **Stormwater Management Consultants: Performance Bond Estimate for Taconic Crossings – NYS Route 55**
- **Change Order No. 2 (EFC Approved): Dakksco Pipeline, Inc., GIGP, Titusville WWTF Aeration System Improvements**

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie,
Dutchess County, New York, being duly sworn, says
that at the several times hereinafter mentioned he/she
was and still is the Principle Clerk of the Poughkeepsie
Newspapers Division of Gannett Satellite Information
Network, Inc., publisher of the Poughkeepsie Journal, a
newspaper published every day in the year 2010 in the
city of Poughkeepsie, Dutchess County, New York, and
that the annexed Notice was duly published in the said
newspaper for one insertion
successively, in each week, commencing on the 2nd
day of June in the year of 2010 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2010, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 3rd day
of June in the year of 2010

Rose Ann Simpson
Notary Public

My commission expires 1/4/2014

NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on June 9, 2010 at 7:30 o'clock p.m. to discuss the potential purchase for open space of lands located at 619 Noxon Road, Town of LaGrange, New York (tax grid no. 6360-04-917274) containing approximately 111.5 acres.
DATED: LaGrangeville, New York
May 28, 2010
MARGARET SCHMITZ
DEPUTY TOWN CLERK
5499

ROSE ANN SIMPSON
Notary Public, State of New York
No. 01SI6215893
Qualified in Dutchess County
Commission Expires January 4, 2014

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of LaGrange, Dutchess County, New York, held at the Town Hall, in LaGrangeville, New York, in said Town, on the 9th day of June, 2010, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Wagner, and upon roll being called, the following were

PRESENT: Supervisor Jon J. Wagner
Councilman Joseph J. Luna
Councilman Gary Beck
Councilman Stephen O'Hare
Councilman Edward P. Jessup

ABSENT: None

The following resolution was offered by Councilman Luna, who moved its adoption, seconded by Councilman O'Hare, to-wit:

BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000
SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS
COUNTY, NEW YORK, TO PAY THE COST OF DEMOLITION OF A
DE-COMMISSIONED STRUCTURE IN THE TITUSVILLE SEWER
DISTRICT IN AND FOR SAID TOWN

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of LaGrange, Dutchess County, New York, as follows:

Section 1. The demolition of the structure constituting the de-commissioned wastewater treatment plant in the Titusville Sewer District, being a class of objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law, is hereby authorized in and for the Town of LaGrange, Dutchess County, New York.

Section 2. The total maximum estimated cost of the aforesaid object or purpose is \$200,000, and the plan for the financing thereof is by the issuance of \$200,000 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of LaGrange, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in the Titusville Sewer District in the manner provided by law, but if not paid

from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9 This resolution, which takes effect immediately, shall be published in summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper for such purpose, together with a notice of the Deputy Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------|-------------|
| Supervisor Wagner | VOTING: AYE |
| Councilman Luna | VOTING: AYE |
| Councilman Beck | VOTING: AYE |
| Councilman O'Hare | VOTING: AYE |
| Councilman Jessup | VOTING: AYE |

The resolution was thereupon declared duly adopted.

LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, an abstract of which is published herewith, has been adopted by the Town Board of the Town of LaGrange, Dutchess County, New York, on the 9th day of June, 2010 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

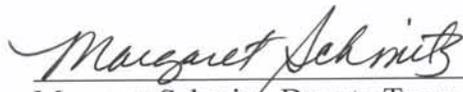
BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF DEMOLITION OF A DE-COMMISSIONED STRUCTURE IN THE TITUSVILLE SEWER DISTRICT IN AND FOR SAID TOWN

| | |
|-------------------------------------|--|
| Class of objects or purposes: | Demolition of De-Commissioned Wastewater Treatment Plant |
| Maximum estimated cost: | \$200,000 |
| Period of probable usefulness: | Ten years |
| Maturity of obligations: | Five years |
| Amount of obligations to be issued: | \$200,000 bonds |

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town of LaGrange for a period of twenty days from the date of publication of this Notice.

Dated: LaGrangeville, New York
June 9, 2010


Margaret Schmitz, Deputy Town Clerk
Town of LaGrange

Poughkeepsie Journal

LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, an abstract of which is published herewith, has been adopted by the Town Board of the Town of LaGrange, Dutchess County, New York, on the 9th day of June, 2010 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie, Dutchess County, New York, being duly sworn, says that at the several times hereinafter mentioned he/she was and still is the Principle Clerk of the Poughkeepsie Newspapers Division of Gannett Satellite Information Network, Inc., publisher of the Poughkeepsie Journal, a newspaper published every day in the year 2010 in the city of Poughkeepsie, Dutchess County, New York, and that the annexed Notice was duly published in the said newspaper for one insertion successively, in each week, commencing on the 15th day of June in the year of 2010 and on the following dates thereafter, namely on:

And ending on the _____ day of _____ in the year of 2010, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 16th day of June in the year of 2010.

Rose Ann Simpson
Notary Public

My commission expires 1/4/2014

BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF DEMOLITION OF A DE-COMMISSIONED STRUCTURE IN THE TITUSVILLE SEWER DISTRICT IN AND FOR SAID TOWN

Class of objects or purposes: Demolition of De-Commissioned Wastewater Treatment Plant
Maximum estimated cost: \$200,000
Period of probable usefulness: Ten years
Maturity of obligations: Five years
Amount of obligations to be issued: \$200,000 bonds

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town of LaGrange for a period of twenty days from the date of publication of this Notice.

Dated: LaGrangeville, New York June 9, 2010

Maret Schmitz, Deputy Town Clerk of LaGrange

ROSE ANN SIMPSON
Notary Public, State of New York
No. 01516215893
Commission Expires January 4, 2014

RESOLUTION

Councilman O'Hare, seconded by Councilman Jessup, introduced the following proposed local law, to be known as Local Law No. _____ of 2010, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 240, "ZONING" OF THE TOWN CODE TO ADDRESS PARKLAND DISTRICTS.

BE IT ENACTED by the Town Board of the Town of LaGrange that the Town Code is amended to read as follows:

Section 1. Section 240-21 of the Town Code is amended to add reference to a "PD.....Parkland District".

Section 2. Section 240-24 of the Town Code is amended to add a new subdivision "M" reading as follows:

M. The Parkland District provides for the beneficial and sound use of parks and recreation areas. Uses are limited to public parks, recreation areas, and the establishment of buildings, structures and improvements of the type which are devoted to active or passive recreation for the public, including but not limited to the type of recreational enhancements recommended in any recreation master plan of the Town of LaGrange.

Section 3. Schedule "A" of Section 240-27 of the Town Code is amended

- (a) to add a new column entitled "PD",
- (b) to add a new row entitled "Active or passive public recreation",

- (c) to add the symbol "P" at the intersection of the "PD" column and "Active or passive public recreation" row,
- (d) to add the symbol "P" at the intersection of the "PD" column and "Accessory structure" row,
- (e) to add the symbol "P" at the intersection of the "PD" column and "Essential services" row, and
- (f) to add the symbol "P" at the intersection of the "PD" column and "Passive recreational uses open to the public" row.

Section 4. Section 240-112 of the Town Code is amended to add a definition of "Active recreation" reading as follows:

"ACTIVE RECREATION. Active recreational endeavors of the type accommodated by public parks and recreation areas, and/or accommodated by public buildings, structures and improvements of the type recommended by any recreation master plan of the Town, including such activities such as exercise, sports, playgrounds, swimming, and related active or social activities."

Section 5. If any provision of this local or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the local law which can be given effect without the invalid provision or application, and to this end the provisions of this local are severable.

Section 6. This local law shall take effect upon filing with the Secretary of State.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on June 23, 2010, at 7:30 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on June 23, 2010 at 7:30 o'clock, p.m., on Local Law No. ___ of the Year 2010, amending various provisions of Chapter 240, "Zoning", of the LaGrange Town Code to address parkland districts.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
June 9, 2010

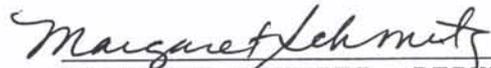


MARGARET SCHMITZ, DEPUTY
TOWN CLERK

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
June 9, 2010


MARGARET SCHMITZ, DEPUTY
TOWN CLERK

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Stormwater Management Consultants, Inc.

June 1, 2010

Mr. Jon Wagner, Supervisor
and Members of the Town Board
120 Stringham Road
Lagrangeville, New York 12540

*Re: Taconic Crossings – NYS Route 55
Stormwater Management Facilities Performance Bond Estimate
Job # LG.028*

Dear Supervisor Wagner:

Stormwater Management Consultants, Inc. (SMC) has reviewed a bond estimate prepared by the Applicant's Engineer for the proposed permanent post-construction stormwater management facilities for the Taconic Crossings Site Plan.

Using the estimate prepared by the Applicant's Engineer and cost estimates provided by the manufacturer of the structural components of the stormwater management facilities, I have prepared the attached estimate of improvements for the purpose of determination of the Performance Bond.

As shown on the attached table, the estimated total permanent stormwater management facilities improvement cost is \$66,890.

Based on this amount, the maintenance bond amount would total \$13,378, which is 20% of the estimated improvement cost of the permanent stormwater management facilities. The maintenance bond for the stormwater management facilities shall remain in effect for a period of three (3) years.



Any questions regarding these matters may be directed to me. I may be contacted directly at (845) 462-0022.

Sincerely,



Walter R. Artus, CPESC
Principal

WRA/wra

cc: Alan Bell, Planning Board Chairman
Christine O'Reilly-Rao, Town Clerk
Wanda Livigni, Administrator of Public Works, SMO
Greg Bolner, P.E., Town Engineer, Clark Patterson Lee
Steve Gaba, Esq. Town Conflict Attorney, Drake, Loeb, Heller, Kennedy,
Gogerty, Gaba and Rodd, PLLC
Kelly Libolt, AICP, Page Park Associates

TACONIC CROSSINGS STORMWATER MANAGEMENT FACILITIES PERFORMANCE BOND
 6/1/2010

| No. | Item Name | Qty. | Unit | Cost | Value |
|-------------------------------|---|------|------|------------|----------|
| For Storm-Tech System | | | | | |
| 1 | SC-740 Complete w/Isolator, Header System, End Caps & Stone | 450 | LF | \$105.00 | \$47,250 |
| Storm Drain Pipe | | | | | |
| 1 | 12" Dia. SDR-21 | 99 | LF | \$45.00 | \$4,455 |
| 2 | 15" Dia. HDPE | 93 | LF | \$45.00 | \$4,185 |
| 3 | 24" Dia. HDPE | 6 | LF | \$50.00 | \$300 |
| Storm Drain Structures | | | | | |
| 1 | Catch basin < 5 ft. | 1 | EA. | \$2,700.00 | \$2,700 |
| 2 | Catch basin > 5 ft. | 2 | EA. | \$4,000.00 | \$8,000 |

Total Stormwater Management Facilities Bond \$66,890

Maintenance Bond 20% Perf. Bond \$13,378

DAKKSCO Pipeline Corp.
2 Eastman Place
Leicester, NY 14481
dakkscopipeline@hotmail.com

(585)382-3071
(585)382-3687 FAX
(585)370-9042 cell

Clark Patterson Lee
900 Corporate Blvd.
Newburgh, NY 12550

April 13, 2010

Attn: Greg Bolner PE
Eric Wies PE

RE: Change Order Costs - Titusville WWTF - LaGrange NY

The following represents the associated additional costs related to the previously discussed alternative items:

ADD#1 - Water Service Installation

This add represents the furnishing & installation of a 1" SCH 80 water service tapped inside the existing Valve Vault, cored thru the existing concrete tank wall, and run parallel under the new walkway for approximately 70 LF. This will include 2 new hose bibs extended up to the walk elevation for access by staff. This will allow the operator better access to washing down equipment in the SBRs.

TOTAL ADD #1 = \$ 3,640.00

Total Days added to Contract = 2

DEDUCT #5 - Change from Turbo Blowers to Sutorbilt Package PD Blower System

This deduct is to change from the currently approved Turbo Blowers to a Premium Sutorbilt Blower Package.

TOTAL DEDUCT #5 = \$ 55,000.00

Total Days added to Contract = 0

TOTAL OF CHANGES #1 thru #5 = \$ (51,360.00)

NYS ENVIRONMENTAL FACILITIES CORP.

Change Order # 2 to Contract No. 03-5327-03-70 ^{Deviation System} _{Improvement} for CWSRF
Project # 03-5327-03-70

Town of LaGrange, Titusville WWTF

is hereby approved on behalf of the New York State Department of Environmental Conservation pursuant to the provisions of NYS Environmental Conservation Law.

CWSRF Eligible Amount: \$ (-51,360.00)

See correspondence dated 5/29/10, for detailed eligibility information.

Approved by: [Signature] P.E. Date: 5/17/10

Recommended by: [Signature] Date: 5/17/10

Change Order No. 2Date of Issuance: April 27, 2010 Effective Date: Date if signature by Owner

| | | |
|---------------------------------------|-------------------------|-------------------------|
| Project: Titusville WWTF Improvements | Owner: Town of LaGrange | Owner's Contract No.: |
| Contract: Aertion System Improvements | | Date of Contract: |
| Contractor: Dakksco Pipeline, Inc. | | Engineer's Project No.: |

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Change from the currently approved Turbo Blower to Sutorbuilt premium positive displacement blower packages and install additional water lines for cleaning SBR.

Attachments (list documents supporting change): Quote from Dakksco Pipeline**CHANGE IN CONTRACT PRICE:****CHANGE IN CONTRACT TIMES:**

Original Contract Price:

Original Contract Times: Working days Calendar days\$265,944.00[Increase] [~~Decrease~~] from previously approved Change Orders No. 1 to No. 1:[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 0:\$99,412.00

Substantial completion (days or date): _____

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$365,365.00

Decrease of this Change Order:

[Increase] [Decrease] of this Change Order:

\$51,360.00

Contract Price incorporating this Change Order:

Contract Times with all approved Change Orders:

\$314,005.00

RECOMMENDED:

By: Aug W. Bol
Engineer (Authorized Signature)

ACCEPTED:

By: [Signature]
Owner (Authorized Signature)ACCEPTED: DAKKSco Pipeline Corp.By: [Signature]
Contractor (Authorized Signature)Date: 5/6/10Date: 5-7-10Date: 5-6-10

Approved by Funding Agency (if applicable): _____

Date: _____