

LaGrange Town Board Meeting
December 8, 2010
AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from November 10, 2010 (clarification to the minutes regarding \$18,000 for the roof repair was for the trusses only)
- Minutes from November 17, 2010

Monthly Reports

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

- | | |
|---|-------------------|
| • Building, Zoning, Public Works & Planning | Total \$12,675.00 |
| • Highway Department | Total \$747.00 |
| • Justice Caplicki (incl. State Share) | Total \$23,360.00 |
| • Justice Greller (incl. State Share) | Total \$13,757.50 |
| • Recreation | Total \$165.00 |
| • Town Clerk (incl. State & County Share) | Total \$3,060.11 |

Supervisor's Report

Correspondence

- Letter of resignation from Kevin Donohue, Planning Board, effective December 31, 2010.
- Time Warner Cable
- Cablevision

Agenda Items

- Highway Superintendent is requesting the Town Board's approval for an internal budget transfer of \$2,703.00.
- Highway Superintendent is requesting the Town Board's approval for an internal budget transfer of \$10,000.00.
- Town Board to approve the donation of the Highway equipment, which was declared surplus on May 7, 2010, to the Math and Physics Exploration located on Rt. 55 in the Town of LaGrange.

- Town Board to set date for a public hearing for Dog Licensing.
- Town Board to adopt the amended Driver Matrix Policy.
- Resolution to waive 30 day waiting period for liquor license at the Inn at the Falls, 50 Red Oaks Mill Road.
- Resolution to waive 30 day waiting period for liquor license renewal at Kelly's Steak & Spirits, 1189 Route 55.
- Resolution to waive 30 day waiting period for liquor license renewal at New Ichiban, Inc., 702 Freedom Plains Road.
- Town Board to consider postponing the road dedication in the Meadow Ridge subdivision to December 22, 2010.
- Town Board to establish escrow in the amount of \$2,000.00 for Meadow Ridge subdivision.
- Town Clerk is requesting Town Boards approval to charge \$45.00 for a color zoning map and \$5.00 for a document tube for the map.
- Department of Planning and Public Works is requesting the Town Board's approval to increase the planning board fees in order to remain comparable with similar municipalities in Dutchess County.

Bond Agreements

- Building Inspector is requesting Town Boards approval for the release of the Soil Erosion Control Bonds for the following grid #(s):
 - 08-6559-03-405465

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

- 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
December 8, 2010**

Present: Supervisor Jon Wagner
Councilman Gary Beck
Councilman Steve O'Hare
Councilman Joseph Luna
Councilman Ed Jessup

Recording Secretary: Christine O'Reilly-Rao, Town Clerk

Others Present: Wanda Livigni, Administrator of Public Works
Ron Blass Esq., Van De Water & Van De Water
Steve Mance, Environmental Consultants
Peter Huff, Recreation Director

The regular meeting of the Town Board was held on Wednesday, December 8, 2010, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes for the regular meeting on November 10, 2010. He added that he wished to clarify that the sum estimated for roof repairs in the amount of \$18,000 was for trusses only.

Councilman Beck so moved seconded by Councilman Luna and carried by all.

Mr. Wagner asked for a motion to approve the minutes for a special meeting held on November 17, 2010.

Councilman Beck so moved seconded by Councilman Jessup and carried by all.

Supervisor Wagner asked for a motion to accept the monthly reports for November 2010.

Councilman O'Hare so moved seconded by Councilman Luna and carried by all.

Building, Planning, Zoning & Public Works	\$12,675.00
Parks and Recreation	\$165.00
Highway Superintendent	\$747.00
Justice Caplicki (Inc. State Share)	\$23,360.00
Justice Greller (Inc. State Share)	\$13,757.50
Town Clerk (inc. State & County Share)	\$3,060.11

Supervisor's Report

Supervisor Wagner stated that he was looking into costs for Court security and he would have additional information by the next regular meeting of the Board.

Correspondence

Supervisor Wagner advised the Board that he was in receipt of a letter of resignation from Alternate Planning Board member, Kevin Donohue, effective December 31, 2010. Mr. Wagner read the letter into the record. (SEE ADDENDUM)

Councilman Jessup stated that he had received a letter from Frank Sforza regarding the position. Mr. Wagner stated that there would be interviews conducted for the position. Councilman Luna moved to accept the resignation, seconded by Councilman Jessup and carried unanimously.

Supervisor Wagner stated that there were various rate changes and channel deletions regarding both Time Warner and Cablevision. The lists will be on file in the Clerk's office for one week.

The Highway Superintendent requested Board approval for internal budget transfers in the amount of \$2,703.00 from the sale of scrap metal to snow contractual and for \$10,000.00 from general repairs contractual to snow contractual.

Councilman Jessup moved to approve the transfers, seconded by Councilman Beck and carried by all.

The Highway Superintendent asked for approval to donate Highway equipment which had been declared surplus on May 7, 2010 to the Math and Physics Exploration in LaGrange. The items consisted of some computer towers, keyboards, monitors and a mouse.

Councilman Luna moved to approve the donation, seconded by Councilman Beck and carried by all.

Supervisor Wagner asked the Town Board to set a date for a Public Hearing for dog licensing. This is necessary due to the State shifting the process to the local level. Councilman Luna moved to set the Public Hearing for December 22, 2010 for the proposed law, seconded by Councilman Beck and carried unanimously. (SEE ADDENDUM)

Supervisor Wagner asked for Board approval to set the Driver Matrix regarding the operation of Town vehicles. (SEE ADDENDUM)

RESOLUTIONS

Resolution waiving the 30 day waiting period for liquor license for the Inn at the Falls, 50 Red Oaks Mill Road.(SEE ADDENDUM)

Resolution waiving the 30 day waiting period for the renewal of a liquor license for Kelly's Steak & Spirits, 1189 Route 55. (SEE ADDENDUM)

Resolution waiving the 30 day waiting period for the renewal of liquor license for New Ichiban, 702 Freedom Plains Road. (SEE ADDENDUM)

Councilman Jessup moved to waive the waiting period for all three applicants, seconded by Councilman Beck and carried unanimously.

Ms. Livigni addressed the Board regarding postponement of the road dedication in the Meadow Ridge Subdivision since there is still some minor paperwork to be done. The matter could be taken up again at the December 22, 2010 meeting. Councilman Luna moved to approve the postponement, seconded by Councilman Jessup.

The following vote was taken:

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

Ms. Livigni stated that an escrow account needed to be established for the Meadow Ridge Subdivision in the amount of \$2,000.00 for various consultants' fees. Councilman Luna moved to approve the establishment of the account, seconded by Councilman Jessup and the following vote was taken:

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

The Departments of Planning and Public Works requested approval to increase Planning Board fees in order to be comparable with similar municipalities in the County. The following fees were proposed:

Planning Board Pre-application discussion	\$200/meeting
All Special Use Permits	\$300 + escrow
Rezoning Application	\$3,000 plus \$200/acre + escrow
Lot Line	\$300 + \$100/lot realigned + escrow
Site Plan due at Application	= existing approval fees + existing application fees + escrow

Note: if final improvement greater than applied for, then the difference to be paid at time of final approval

Subdivision: Application	\$500 + \$500/lot + escrow
Preliminary Approval	\$300/lot
Final Approval	\$500/lot

Note: No different fees for owner occupied or not

Inspection Fees	5% of Performance Bond
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Councilman Beck moved to approve the fees, seconded by Councilman Jessup and carried by all. Councilman Jessup thanked Ms. Livigni for all of her work. She stated that she was greatly helped by Claudia Donellen and Eileen Mang.

The Town Clerk requested approval to charge \$45.00 for color zoning maps and \$5.00 for document tubes.

Councilman Luna so moved, seconded by Councilman Beck and carried by all.

The Building Inspector requested approval for the release of Soil Erosion Control Bonds for the following grid# 08-6559-03-405465 in the amount of \$1500.00.
Councilman O'Hare so moved, seconded by Councilman Jessup and carried by all.

COMMITTEE REPORTS

Water and Sewer

No report

Recreation

No report

Open Space

Councilman Jessup stated that the Pierson farm survey had been completed.
Mr. Wagner added that Open Space Referendum, which Town residents passed was a means of controlling density and keeping the rural atmosphere of the Town.

Highway

Councilman Jessup and Superintendant Kelly are still looking at salt sheds. Councilman Jessup stated that he would like to have one more committee meeting before the end of the year.

Environmental Consultants

Ms. Livigni thanked Environmental Consultants for their work at the Grandview Water District and Noxon Knolls Sewer District during the recent storms which produced significant rainfall.

Town Board Comments

No comments

Town Attorney

No comment

Administrator of Public Works

Mr. Wagner mentioned that The MS4 committee for Dutchess County had met that morning and that there were concerns about the growing number of storm water regulations and the lack of funds to keep up with them.

Public Comment

Councilman Beck moved to open the meeting to Public Comment. Councilman Jessup seconded the motion and it carried unanimously.
Steven Mance addressed the Board. The Sunrise Rotary had collected \$2,400.00 for the Wounded Warriors Project and on Tuesday, December 14th, there will be a representative from the Project to accept the donation.

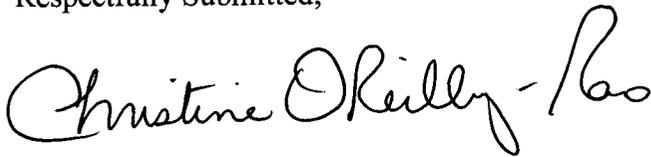
Peter Huff addressed the Board. The Christmas Tree lighting ceremony had been a success. The Ladies Auxiliary from the Fire Department had provided hot chocolate and cookies. The Boy Scouts had decorated the tree with ornaments and Santa arrived by fire truck. He wanted to thank Robert Buzzeo for volunteering the use of his bucket truck to help decorate the tree.

Councilman Jessup moved to close the Public Comment, seconded by Councilman O'Hare and carried by all.

Councilman O'Hare moved to adjourn, seconded by Councilman Jessup and carried by all.

The meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christine O'Reilly-Rao". The signature is written in a cursive, flowing style.

Christine O'Reilly-Rao
LaGrange Town Clerk

ADDENDUM

- Resignation letter from Kevin Donohue
- Resolution: Dog Licensing
- Driver Acceptability Matrix
- Resolution: Liquor License: Inn at the Falls
- Resolution: Liquor License: Kelly's Steak & Spirits
- Resolution: Liquor License: New Ichiban, Inc.

KEVIN DONOHUE

280 Noxon Road
Poughkeepsie, NY 12603

(845) 475-6210

November 8, 2010

Christine O'Reilly-Rao , Town Clerk
Town of LaGrange
120 Stringham Road
LaGrangeville, NY 12540

Re: Letter of Resignation
Town of LaGrange Planning Board

Dear Ms. O'Reilly-Rao,

It is with much regret that I resign my position as an alternate member of the Town of LaGrange Planning Board as of December 31, 2010. Increasing personal and professional obligations conflict with my night time attendance of the board meetings.

I have thoroughly enjoyed my service with the Planning Board and am particularly thankful to have been part of the local development process that helped maintain our rural community.

With regrets,


Kevin Donohue


RECEIVED
11-16-2010 Cox

RESOLUTION

Councilman Luna, seconded by Councilman Beck, introduced the following proposed local law, to be known as Local Law No. 5 of 2010 entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND CHAPTER 69 “ANIMALS.”

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

Section 1. Town of LaGrange Town Code Chapter 69 “Animals,” is amended to read, in its entirety, as follows:

DOG CONTROL AND LICENSING

§69-1. Purpose

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

§69-2. Definitions.

A. All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York; specifically, the following terms shall have the meaning given to them within that statutory section: "adoption"; "dog"; "domestic animal"; "euthanize"; "guide dog"; "harbor"; "identification tag"; "identified dog"; "official identification number"; "owner"; "owner of record"; "person"; "police work dog"; "war dog"; "hearing dog"; "service dog"; and "person with a disability."

B. As used in this article, the following terms shall have the meanings indicated:

CLERK -- Town Clerk.

RUN-AT-LARGE -- To be an unleashed dog off of the premises of the owner.

TOWN -- Town of LaGrange

§69-3. License Required

- A. Pursuant to Article 7 of the Agriculture and Markets Law, no person shall own or harbor a dog within the Town of LaGrange unless such dog is licensed. Such license shall be renewed annually at fees determined by the Town Board of the Town of LaGrange. **There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog or police work dog, and copies of any license for such dogs shall be conspicuously labeled as such by the person issuing the license.**
- B. In accordance with Article 7 of the Agriculture and Markets law, the following are exempted from the licensing requirement:
1. Dogs under the age of four months, which are not at large, shall not require a license:
 2. Dogs residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.
- C. **Grace period: Any dog harbored within the Town of LaGrange which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall be exempt from the licensing and identification provisions of this local law for a period of thirty (30) days.**
- D. **The application shall state the sex, actual or approximate age, breed, color and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner.**
- E. The application shall be accompanied by the license fee and a certificate of rabies vaccination or a statement certified by a licensed veterinarian stating that, because of old age or other reason, the dog's life would be endangered by the vaccine. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner showing that the dog has been spayed or neutered, provided that such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for spayed or neutered dogs.

- F. **Dogs will be licensed for a one year license period. The expiration date will be the last day of the month of issuance, one year from the date of issuance.**
- G. No license shall be issued by a pound, shelter, or any other entity, on behalf of the Town of LaGrange.
- H. **The Town of LaGrange will not issue purebred licenses.** All dogs will be licensed individually in accordance with this Local Law.
- I. **Dog licenses issued by another agency, municipality or shelter will not be recognized by the Town of LaGrange. The Town of LaGrange does not credit unexpired terms of licenses issued by another municipality, nor does it refund licensing fees for any reason, including, but not limited to: dogs and dog owners that relocate to a municipality other than the Town of LaGrange, dogs that are no longer alive, dogs that are relinquished or transferred to another owner and dogs that are missing, gone or lost.**
- J. Upon validation by the Clerk, the application shall become a license for the dog described therein. **Once an application has been validated, no refund therefore shall be made.**
- K. The Clerk shall provide a copy of the license to the owner and retain a copy in the Town Clerk's office.
- L. No license shall be transferrable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

§69-4. Change of Ownership

- A. In the event of a change of ownership of any dog which has been licensed pursuant to this Local Law, or in the change of address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, notify the Town Clerk of such change.
- B. If any dog which has been licensed pursuant to this Local Law is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk of such loss or theft. The owner of record of any such dog shall not be liable for any violation of this Local Law committed after such notification.
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to the renewal of licensure or upon the time of such renewal.

§69-5. Fees:

- A. Dog licensing fees shall be determined by the Town Board of the Town of LaGrange and may be amended at any time by said Town Board. All revenue derived from such fees is the sole property of the Town of LaGrange and shall be used for the purposes permitted by Article 7 of the Agriculture and Markets Law.
- B. In addition to the fees set by the Town Board of the Town of LaGrange, an additional \$1.00 shall be assessed to a license for an altered dog and an additional \$3.00 shall be assessed to a license for an unaltered dog. This additional charge is assessed for the purposes of carrying out animal population control efforts. As the Town of LaGrange does not have its own animal control program, these surcharge dollars will be remitted by the Town Clerk to the state animal population control fund, as required by Agriculture and Markets Law §117-a(7).
- C. **When the Town Board of the Town of LaGrange determines the need for a dog enumeration or dog census, a fee of \$30.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted. Such fees shall be the sole property of the Town of LaGrange and shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the municipality for enforcing this Local Law and for animal population control programs.**
- D. In addition to the license fee required by this law, each applicant for a dog license shall pay a surcharge of \$3.00, which shall be retained by the Town of LaGrange and used to defray the cost of providing a replacement identification tag.
- E. Pursuant to Agriculture and Markets Law §107(4), the licensing process and fees set forth in this Local Law do not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.

§69-6. Identification tag required.

- A. All dogs required to be licensed must wear an identification tag, bearing the municipal identification number, attached to a collar at all times. No dog shall be permitted to be without a collar and an identification tag. All dogs without an identification tag shall be subject to seizure and confinement by the Dog Control Officer, **except hunting dogs which are in the field with a hunter during hunting season or for the purpose of being trained for hunting.** The collars of all dogs four months and over shall also have a tag evidencing rabies vaccination.

- B. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- C. **A dog participating in a dog show shall be exempt from the identification requirements of both Agriculture and Markets Law §111 and this local law during such participation.**

§69-7. Female dogs in heat.

Any female dog in heat shall be confined within a protected enclosure on the premises of the owner or person harboring the dog.

§69-8. Adequate shelter.

All premises occupied or used by dogs shall be kept in a clean and sanitary condition. Failure to provide adequate food, water or shelter shall be a violation of this local law and shall constitute grounds for seizure of the animal hereunder. These principles shall apply both to individual owners and to any other persons harboring dogs for training, retail sale or boarding.

§69-9. Restrictions.

- A. It shall be unlawful for any owner of or any person harboring any dog to permit or allow the animal to:
 - 1. Run at large in the Town of LaGrange on any property other than that of the person owning or harboring such dog **unless accompanied by its owner or a responsible person able to control the dog.** For the purposes of this article, dogs which are: **(a) participating in obedience training or competition, dog shows, field trials; (b) hunting in the company of a hunter; or (c) within a municipal dog park,** shall be excluded from this restriction. Any dog running at large, whether or not licensed or wearing a license tag, shall be seized and confined by the Dog Control Officer(s).
 - 2. Engage in a recurring practice of howling, barking, crying or whining so as to unreasonably disturb the comfort or quiet enjoyment of any person other than the dog's owner. A minimum period of 1/2 hour (30 minutes) of excessive noise shall be deemed necessary to constitute a violation of this section. The person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.

3. **Uproot, dig or otherwise damage any lawns, gardens, vegetables, flowers or garden beds on property not belonging to the owner of the dog.**
 4. **Chase, bite, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.**
 5. **Engage in a recurring practice of chase, run along side of or bark at vehicles or bicyclists while on a public street or highway or upon public or private property other than property of the owner or other person in control of said dog.**
 6. **Cause damage or destruction to private or public property or to create a nuisance by defecating, urinating or digging on public or private property, other than property of the owner or other person in control of the dog.**
 7. **Kill or injure any domestic animal.**
- B. **Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by Subsection 1 of this section shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.**
 - C. **Dogs are permitted in Town parks, when under control of leash, in designated areas only. Owners shall be responsible for immediate cleanup of any excrement deposited by their animals.**
 - D. **When off the property of the owner, owners shall be responsible for immediate cleanup of any excrement deposited by their animals.**

§69-10. Enforcement official.

This chapter shall be enforced by the Town's Dog Control Officer or any employee or agency of the Town of LaGrange so designated by the Town Board. Those persons shall have the authority to issue appearance tickets or other process set forth within Article 7 of the Agriculture and Markets Law.

§69-11. Seizure of dogs; redemption; disposition of unclaimed dogs.

- A. Seizure; fines; redemption.

1. Any dog which is not carrying an identification tag and which is not on the owner's premises, any dog which is not licensed, whether on or off the owner's premises, and any dog in violation of any other provision of this Local Law or which poses an immediate threat to the public safety, shall be subject to seizure, redemption, impoundment fees and adoption procedures as set forth in Article 7 - § 117 of the Agriculture and Markets Law.
 2. Pursuant to § 117, of the Agriculture and Markets Law, fines and impoundment fees are set by Town Board resolution in their adoption of the Town's Fee Schedule. An owner may redeem their dog within the applicable redemption period specified in section 69-11(A)(3) below, upon payment all fines and impoundment fees, and by producing proof that the dog has been licensed.
 3. Pursuant to § 117, of the Agriculture and Markets Law, redemption periods are set as follows:
 - a. Where an owner has been personally notified: seven days from the date of such notice.
 - b. Where an owner has been sent notice by certified mail, return receipt requested: nine days from the date of such mailing.
 - c. Where the dog is unidentified: five days, excluding the day the dog is seized or impounded.
- B. No person shall hinder, resist or oppose the Dog Control Officer or any other person authorized to administer and enforce the provisions of this chapter in the performance of the person's duties pursuant to this chapter.
- C. No action shall be maintained against the Town of LaGrange, any duly designated Dog Control Officer or any other agent or officer of the Town to recover the possession or value of any dog, for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law.
- D. It shall be the duty of the Dog Control Officer, or the shelter contracted by the Town, to feed and care for, at the expense of the Town, any animal seized hereunder until disposure thereof be made as provided herein.
- E. All monies collected as fines or penalties as a result of any prosecution for violations of the provisions of this Local Law, and all bail forfeitures by persons charged with such violations, shall be the sole property of the Town of LaGrange and shall be used only for controlling dogs and enforcing this Local Law.

- F. Fines and impoundment fees may be paid off in installments at the discretion of the Town Board and upon the execution of a promissory note by the owner of the dog.
- G. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized, provided that no dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this article prior to its release from custody.
- H. No liability in damages or otherwise shall be incurred on account of the seizure, euthanization or adoption of any dog pursuant to the provisions of this article.

§69-12. Violations.

It shall be a violation for:

- A. Any owner to fail to license any dog;
- B. Any owner to fail to have any dog identified as required by this Local Law;
- C. Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs or purebred license tag;
- D. Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law;
- E. Any person to furnish any false or misleading information on any form required to be filed with the Town of LaGrange pursuant to the provisions of this Local Law or rules and regulations promulgated pursuant thereto;
- F. The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog; and
- G. Any owner of a dog to fail to notify the Town of LaGrange of any change of ownership or address as required by this Local Law.
- H. The Town of LaGrange may elect either to prosecute such actions described in this section as a violation under the penal law or to commence an action to recover a civil penalty.

§69-13. Dangerous Dogs

Agriculture and Markets Law §123 sets forth the applicable procedural and substantive requirements applicable within the Town of LaGrange when a dog is alleged to be dangerous.

§69-14. Penalties for offenses.

Upon conviction, a violation of this article shall be deemed an offense and shall be punishable by a fine not exceeding \$50 for the first offense, \$100 for the second offense within the preceding five (5) years, and \$250 for each additional offense within the preceding five (5) years or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

§69-15. Severability.

Each provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 2. This Local Law shall be filed immediately with the Secretary of State as provided by law and shall be effective as of January 1, 2011.

Supervisor Wagner advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Councilman Luna offered the following resolution which was seconded by Councilman Beck, who moved its adoption:

WHEREAS, on December 8, 2010, Councilman Luna has introduced this local law for the Town of LaGrange, to be known as “Town of LaGrange Local Law No.5 of the Year 2010, a local law of the Town of LaGrange, Dutchess County, New York, to amend Chapter 69 “Animals.”

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall

have an opportunity to be heard, to be held at the Town Hall, Town Hall, 120 Stringham Road, LaGrangeville, New York, on December 22, 2010, at 7:30 o'clock p.m., 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 such 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 December 22, 2010 at 7:30 o'clock, p.m., on Local Law No. 5 of the Year 2010, to amend Chapter 69 "Animals. "

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
December 8, 2010


CHRISTINE O'REILLY-RAO
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
December 8, 2010


CHRISTINE O'REILLY-RAO
TOWN CLERK

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Town of LaGrange

Driver Acceptability Matrix

Section 3.7.4 Matrix

Number of Moving Violations Within Past Three Years	Number of At Fault Accidents Within Past Three Years				Number of DUI or DWI Within Past Five Years
	0	1	2	3	1 or More
0	Clear	Acceptable	Borderline	Prohibited	Prohibited
1	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
2	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
3	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
4	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Motor Vehicle Report will be checked every 6 months; insurability subject to no deterioration in the record. Employer must prohibit driver from driving company vehicles or using personal vehicle on company business.

Source: Marshall & Sterling, Inc.

RESOLUTION

RESOLUTION: To Waive 30 Day Notice for Liquor License

Applicant: Inn at the Falls
50 Red Oaks Mill Road
Poughkeepsie, NY 12603

Date: March 25, 2009

Supervisor Wagner introduced the following resolution. Councilman
Jessup moved its' adoption seconded by Councilman Beck.

WHEREAS, Inn at the Falls, 50 Red Oaks Mill Road Poughkeepsie, NY 12603
in the Town of LaGrange intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an
Applicant must give the municipality thirty (30) days notice of the pending liquor
license application unless the municipality consents to waive the thirty (30) day
requirement; now therefore be it

RESOLVED, that the Town Board of the Town of LaGrange hereby waives the
thirty (30) day notice period in regard to Inn at the Falls, 50 Red Oaks Mill Road
Poughkeepsie, NY 12603 allowing an earlier submission of the liquor license
application.

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

Town of LaGrange
December 8, 2010


Christine O'Reilly-Rao
Town Clerk

RESOLUTION

RESOLUTION: To Waive 30 Day Notice for Liquor License Renewal

Applicant: Michael J. Kelly
D/B/A Kelly's Steaks & Spirits
1189 Route 55
LaGrange, NY 12540

Date: December 8, 2010

Supervisor Wagner introduced the following resolution. Councilman Jessup moved its' adoption; seconded by Councilman Beck.

WHEREAS, Michael J. Kelly, D/B/A Kelly's Steaks & Spirits, in the Town of LaGrange intends to file for a New York State Liquor License Renewal; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an Applicant must give the municipality thirty (30) days notice of the pending liquor license renewal application unless the municipality consents to waive the thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of LaGrange hereby waives the thirty (30) day notice period in regard to the above business, located at 1189 Route 55, LaGrange, NY 12540, allowing an earlier submission of the liquor license application.

ROLL CALL VOTE:

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

Dated: December 8, 2010


Christine O'Reilly-Rao
Town Clerk

RESOLUTION

RESOLUTION: To Waive 30 Day Notice for Liquor License Renewal

Applicant: Wen Ci Liu, President
D/B/A New Ichiban, Inc.
702 Freedom Plains Road, Suite #B8
Poughkeepsie, NY 12603

Date: December 8, 2010

Supervisor Wagner introduced the following resolution. Councilman Jessup moved its' adoption; seconded by Councilman Beck.

WHEREAS, Wen Ci Liu, President, D/B/A New Ichiban, Inc., in the Town of LaGrange intends to file for a New York State Liquor License Renewal; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an Applicant must give the municipality thirty (30) days notice of the pending liquor license renewal application unless the municipality consents to waive the thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of LaGrange hereby waives the thirty (30) day notice period in regard to the above business, located at 702 Freedom Plains Road, Poughkeepsie, NY 12603, allowing an earlier submission of the liquor license application.

ROLL CALL VOTE:

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

Dated: December 8, 2010


Christine O'Reilly-Rao
Town Clerk