

STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE

TOWN BOARD MEETING
April 13, 2011

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus

Absent: Councilman Gary Beck

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

The regular meeting of the Town Board was held on Wednesday, April 13, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes for the regular meeting of March 23, 2011.

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

Supervisor Wagner asked for a motion to accept the monthly reports for March 2011.

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

Building, Planning, Zoning & Public Works	\$17,970.00
Parks and Recreation	\$8,690.00
Highway Superintendent	\$1,000.00
Justice Caplicki (Inc. State Share)	\$23,190.00
Justice O'Hare (Inc. State Share)	\$20,102.00
Town Clerk (Inc. State & County Share)	\$5,402.69

Supervisor's Report

Supervisor Wagner stated that the Dyson Foundation had published a summary document regarding shared services entitled *Striking a Balance – New Yorkers Speak Out on Rightsizing Local Government*. He asked the Board to review it as he felt that it would be something they would be working on in future.

Mr. Wagner had written a letter praising the volunteers working at the LaGrange Library. Their service has effectively eased some of the financial burden that the library has faced in this difficult economy. The 50 volunteers have provided 3200 hours and were feted on Tuesday night with a dinner held at the Presbyterian Church. The letter was read into the record. (SEE ADDENDUM)

He stated that the Board needed to carefully watch revenue amounts since the mortgage tax revenue was at a six month low last month and fine revenues were also down. He added that fine revenues usually decrease when the price of fuel increases.

Correspondence

Supervisor Wagner stated that the American Foundation of Suicide Prevention will be holding an awareness event on May 1, 2011 from 11:00 a.m. to 4:30 p.m. at PC Paddock's located at 273 Titusville Road. No permits are required for the event.

The LaGrange Challengers will be holding their 20th anniversary event on Saturday, May 28, 2011 at the LaGrange Park. The event will host outside youth groups and will be a "Baseball Tournament Play". The event will be held from 1-6 p.m.

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 Parkinson's Disease Support Group of the Mid-Hudson Valley requested the Town's support by declaring April as World-wide Parkinson's Awareness Month. (SEE ADDENDUM) Councilman Polhemus moved to do so, seconded by Councilman Jessup. The motion carried unanimously.

Ragnar Events LLC requested the Board's permission to hold the Ragnar Relay Race through the Town on May 13-14, 2011. They included a listing of roads to be used. (SEE ADDENDUM) Councilman Jessup moved to allow the use of the roads, seconded by Councilman Polhemus. The motion carried unanimously.

Highway Superintendent Kelly requested permission to go out to bid for equipment for 2011. (SEE ADDENDUM)

The trucks are over 20 years old and need to be replaced.

Councilman Polhemus stated that he had just completed a Capital Plan regarding such expenditures and would like to present it to the Board at the next meeting. He feels that before anything goes out to bid, the Board and residents should have all the facts and figures before them.

Councilman Jessup stated that he had gone to examine the trucks himself and they were in far worse shape than he was led to believe. They have rotted out floor boards and damaged frames.

Councilman Luna wanted to know how many drivers there are for the number of trucks in service.

Councilman Luna moved to shelve the matter until after Councilman Polhemus' presentation. Councilman Jessup seconded the motion. The motion carried unanimously.

Kevin Haight who has served on the Open Space Committee for three years, addressed the Board. The Dutchess County Federation of Sports Clubs requested permission to pursue a fish stocking event for the pond located in Overlook Park. The group would be stocking the pond with rainbow and brown trout. A similar program was carried out at Morgan Lake in the City of Poughkeepsie and the group was then able to sponsor a "Kids Fishing Day". The DEC would have to conduct a viability study to determine if the site would be an appropriate habitat for the development of a fishery. There will be no cost to the Town.

Councilman Luna moved to grant permission, seconded by Councilman Jessup. The motion carried unanimously. The Board thanked Mr. Haight.

Supervisor Wagner asked the Board for approval of the Daley Farm Protective Agreement.
(SEE ADDENDUM)

Mr. Blass stated that the agreement clarifies that Manchester Water District and or the Town will not be responsible for capitalizing any additional public water supply necessary for the DEC to approve a Public Water Supply Permit for the project.

Councilman Luna moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Wagner stated that the 2011 Holiday Schedule for employees needed to be amended, but he needed further clarification for the Board to do this. The item was shelved until the next meeting.

Mr. Wagner asked the Board to approve the following policies:

Internal Controls

Actual or Suspected Losses or Shortages

Financial Controls

Workplace Violence

(SEE ADDENDUM)

Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

In addition, he stated that there were revisions made to the Employment Policies and Practices Manual which required Board approval. The Manual has been updated to address topics such as texting in the workplace, cell phone use, Facebook activity and internal controls.

Councilman Jessup moved to shelve the matter until the Board has more time to review the changes. Councilman Luna seconded the motion. The motion carried unanimously.

Supervisor Wagner asked the Board to approve a Tax Certiorari for 109 Sleight Plass Road.
(SEE ADDENDUM)

Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Supervisor Wagner asked the Board to approve a Tax Certiorari for 2-8 Eleanor Lane. (SEE ADDENDUM)

Councilman Polhemus moved to do so, seconded by Councilman Luna. The motion carried unanimously.

Mr. Wagner asked the Board to consider a Local Law which will amend §240-29(E) of the Town Code. The Public Hearing for the proposed law was set for May 11, 2011. (SEE ADDENDUM)

The matter of recommendation for the Harvest Ridge Subdivision re-approval was presented to the Board.

Ms. Livigni voiced her concerns as to this project. She stated that the project had been in development for a protracted period of time, since 2006, and that the bulk of the site work to date had been unbonded even though the appropriate permits and approvals had been obtained. In addition, she was not certain if the road base and compaction was up to standard. Another major concern was the infrastructure for water and how long it had been exposed to the elements prior to being installed. She felt the number of extensions being granted would set a bad precedent and that the developer would continue to seek them. She stated that this proposed development appeared to be treated unlike any other subdivision in the Town.

Councilman Luna asked Ms. Livigni if the developer had complied with the Order to Remedy relating to storm water damage. She replied that he had.

He also voiced his concern that the prolonged period of non use of the water infrastructure could be detrimental in the long run to the system.

Councilman Luna, seconded by Councilman Jessup moved to allow Mr. Nesheiwat and his attorney, Mr. Adams to address the Board.

Mr. Adams stated that they would be able to file the final plat by March 1, 2012. He further stated that they now had a new full time outside contractor who would finish the required work by October 15, 2011. He assured the Board that his client was not financially indifferent to finishing the project and that the developer would lose if he walked away. He added that they would begin landscaping the shared border with Dutchess Farms right away as an inducement. In addition they would grant right of way access to the Town and the new contractor would periodically check the water infrastructure to ensure it was working properly.

A lengthy discussion followed.

Mr. Blass stated that the conditions of the Supplemental Agreement would have to be met in order for the Board to recommend re-approval. (SEE ADDENDUM)

Mr. Nesheiwat agreed to the terms of the agreement and to a completion date of September 15, 2011.

Councilman Jessup moved to have Supervisor Wagner sign the agreement and recommended re-approval with a completion date of September 15, 2011. Councilman Polhemus seconded the motion and it carried unanimously.

The Building Inspector requested approval for a Performance Bond for grid #6261-04-850298, located at 35 Patrick Lane in the amount of \$5,000.00.

Councilman Luna moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

The Building Inspector requested approval for the release of Soil Erosion Control Bonds for the following;

Grid# 08-6361-04-927053, 41 Brian Court in the amount of \$1,500.00

Grid # 08-6361-03-263421, 149 Ridgeline Drive in the amount of \$1,500.00

Councilman Polhemus moved to do so, seconded by Councilman Jessup. The motion carried unanimously.

COMMITTEE REPORTS

Water and Sewer

Councilman Luna stated that Environmental Consultants had replaced 560 water meters at no cost to the Town. The savings amounted to \$70,000.00. He thanked them for their efforts.

Recreation

Councilman Polhemus stated that opening day for baseball is this Saturday at LaGrange Park. He had toured the Town Parks with Peter Huff and everyone on Peter's crew is doing a great job. There have been problems with trash around the basketball courts. The Committee has been looking for donations for the fireworks display for Community Day. Mike Kelly's crew will be working on the Stringham Park parking lot.

Mr. Wagner added that WDST - Woodstock will be setting up a tent on Community Day which will be good exposure for the Town. He added that he had received a letter from the Baseball League's directors which made it clear that they do not want to pay the \$5,000.00 fee towards maintenance of the fields. He asked for Town Board comments on the matter.

Councilman Jessup stated that he felt the letter was out of line. He suggested that they do some private fundraising to offset the fee amount.

Councilman Luna agreed and added that all other sports groups do the maintenance work themselves. He felt that the group was ungrateful since the Town spent \$30,000.00 to construct a berm to protect the baseball fields.

Supervisor Wagner stated that the Town would not be able to maintain the fields without the money and that it was simply a budgetary issue. Councilman Polhemus agreed.

There will be a fundraiser for a Parks and Recreation employee who is suffering from a serious illness. It will be a spaghetti dinner held on May 5, 2011 from 5 – 7 p.m. at the Presbyterian Church in LaGrange. Proceeds will be placed in a trust fund to benefit the employee.

Open Space

Councilman Jessup stated that the Sleight Farm survey has been completed and will be available in two to three weeks.

Mr. Wagner stated that some studies will be done on this property regarding bat habitats.

Highway

Councilman Jessup stated that the first meeting will be held on April 21, 2011.

Environmental Consultants /Administrator of Public Works

Steven Mance explained that ECS/ Power Pay! will allow the Town to have its generator at the Titusville Wastewater Treatment Plant used as a power source periodically, during which time the Town will be paid to be off the power grid. He added that the generator must be periodically run for maintenance anyway and that this program is a win – win situation.

Ms. Livigni added that the same program is currently being done at Town Hall and at the Manchester Water Plant.

Councilman Luna moved to have the Supervisor sign the agreement, seconded by Councilman Jessup and carried by all. (SEE ADDENDUM)

Town Board Comments

Councilman Polhemus stated that the LaGrange Rotary will hold its annual *Trash Bash* on April 30th. Ms. Livigni added that the Town receives MS4 credit for the event.

Town Attorney

No comment

Public Comment

Councilman Luna moved to open the meeting to Public Comment. Councilman Polhemus seconded the motion and it carried unanimously.

Rolf Nijhuis addressed the Board. He is looking for Board support for a proposed extension of the Wappingers Creek Greenway on 11 acres of Town property, which will be called "Popsicle Trail". It will be an Eagle Scout project which he hopes can begin in the Autumn. He presented the Board with maps and pictures. There appears to be some trespassing going on and there was a photograph of what appeared to be a squatter's camp. A brief discussion followed.
(SEE ADDENDUM)

Paul Lenci, LaGrange Library Trustee, addressed the Board. He thanked the Supervisor for his letter. He added that the dinner for the volunteers was a way to thank them for their direct service to the community.

Councilman Polhemus addressed the Board. He stated that he was speaking as a resident and not as a member of the Board. He is concerned about an abandoned property located at 51 Smith

Road. The property has been used for drugs and other illegal activities. He read a letter into the record. (SEE ADDENDUM)

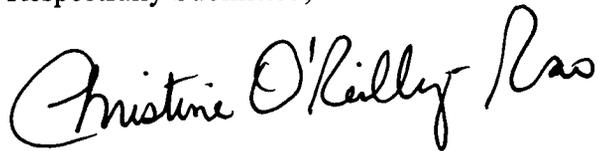
Supervisor Wagner stated that the Board would look into dealing with this situation and generally addressing the problems that stem from abandoned properties. He thought perhaps, some relief might be sought through Nuisance Ordinances or a Property Maintenance Law.

Councilman Jessup moved to close the Public Comment, seconded by Councilman Luna. The motion was carried by all.

Councilman Luna moved to adjourn, seconded by Councilman Jessup. The motion was carried by all.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
LaGrange Town Clerk

ADDENDUM

- Supervisor's Letter of Appreciation to LaGrange Library Volunteers
- Parkinson's Awareness Proclamation
- Road List for Rangar Race
- Highway request for equipment purchases for 2011
- Daley Farm Protective Agreement
- New Town Policies
- Tax Certiorari: 109 Sleight Plass Road
- Tax Certiorari: 2-8 Eleanor Lane
- RESOLUTION: Public Hearing for an amendment to Local Law § 240-29
- Harvest Ridge Subdivision Agreement
- ECS/Power Pay! Application
- "Popsicle Trail" Eagle Scout Project Proposal
- Letter From Gary Polhemus: Abandoned Property, 51 Smith Road



Supervisor Jon J. Wagner

120 Stringham Rd. Lagrangeville NY 12540

(845) 452-1830 Fax 452-5093

jwagner@lagrangenyc.org

April 13, 2011

I apologize for being unable to attend last evening's dinner to honor LaGrange Library volunteers. I appreciated the invitation, but a previously scheduled appointment simply got in the way of attending.

Volunteers are the backbone of any community and most go about their work with little or no fanfare. That attribute seems to be the hallmark of a dedicated volunteer; humble, quiet and really not seeking praise. I hope you allow me the latitude to shower some praise on the volunteers who work to make the LaGrange Library able to succeed.

We are all continuing to struggle through a national economic crisis of epic proportions. That crisis has had numerous local implications. The Town's spending has been cut back to a very large degree, and of course the Library and its own budget has been hampered by those cuts.

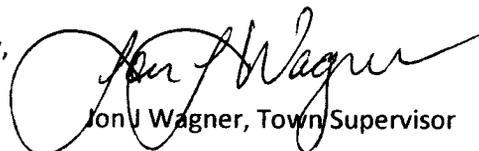
The work of volunteers however, has gone on and has allowed the Library to continue many programs and services that could have been cut due to the economy. The future of community life will likely rely more and more on volunteers "stepping up to the plate" to fill in where paid employees once stood. The Library and all of LaGrange is very fortunate to have such passionate volunteers to provide so much support. Each one should be thanked and congratulated for doing such a great job. The recognition dinner was certainly a wonderful way to start, I am sorry to have missed it.

Tonight, during the Town Board meeting, I will ask the Town Clerk to memorialize our thanks for your work on behalf of the entire town. The minutes of the Town Board meeting are a permanent record, and such thanks should be there for all to see. Future generations of LaGrange residents and taxpayers should know about the important role Library volunteers have played.

The Town Board and this Town Supervisor do support the Library and recognize the amount of work done by the volunteers. Hopefully our current economic issues will fade to a distant memory soon and great institutions such as the Library can continue to succeed.

Again "three cheers" to all of the dedicated volunteer work that continues to save taxpayer dollars and make the LaGrange Library a true community center!

Sincerely,



Jon J Wagner, Town Supervisor

Approved on April 13, 2011

2011 TOWN OF LAGRANGE PROCLAMATION

WHEREAS, Parkinson's is the second most common neurodegenerative disease in the United States, second only to Alzheimer's;

WHEREAS even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

WHEREAS although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

WHEREAS there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

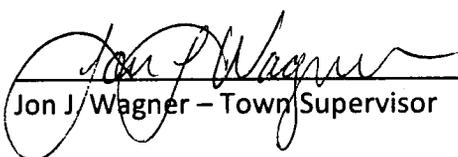
WHEREAS symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruption;

WHEREAS there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

WHEREAS increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

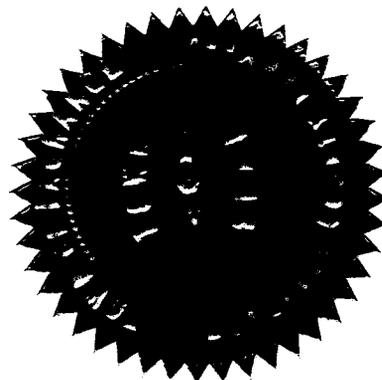
NOW, THEREFORE, Jon J. Wagner, Town Supervisor of the Town of LaGrange, do hereby proclaim April as Parkinson's Awareness Month.

Given under my hand in these free United States in the Town of LaGrange, on this day of two thousand and eleven, and to which I have caused the Seal of the Town of LaGrange to be affixed and have made this proclamation public.


Jon J. Wagner – Town Supervisor

Attest:


Christine Kelly



LEG 16 -- 6.8 MILES -- VERY HARD

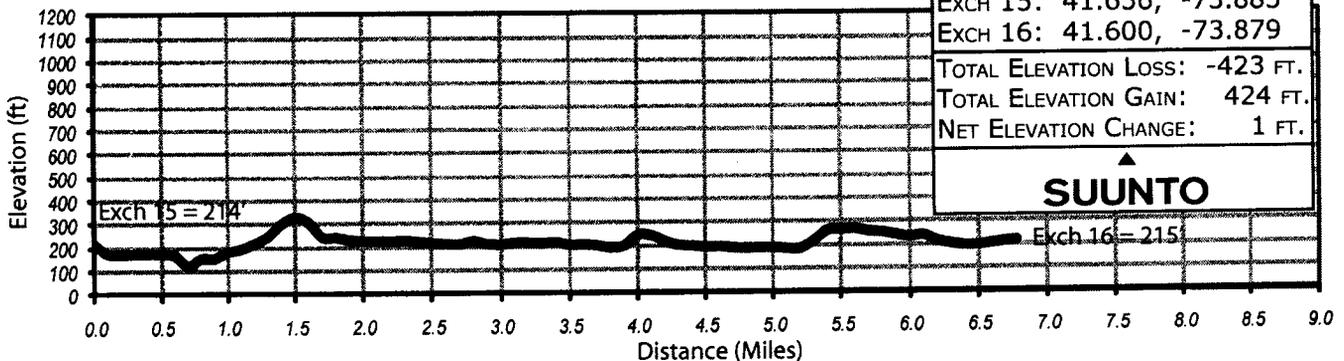


LEG NOTES:

EXCHANGE 16
 Orchard View Alternative High School
 167 Myers Corners Road
 Wappingers Falls, NY 12590

LEG LEGEND:

- 0.0 Continue on Spackenkill Rd (NY-113).
RUNNERS RUN WITH TRAFFIC
- 0.9 Turn left on Westview Terrace
- 1.0 Continue left on Westview Terrace
- 1.3 Turn right on Cochran Hill Rd
- 1.7 Turn right on Daley Rd
- 2.8 Continue left on Maloney Rd
- 2.9 Turn right on Smith Crossing Rd
- 4.1 Turn right on Diddle Rd
- 4.2 Turn right on NY-376
- 5.0 Turn left on Degarmo Hills Rd
- 6.0 Turn right on Myers Corners Rd (CR-93)
- 6.8 Exchange will be on right side of road





TOWN OF LAGRANGE HIGHWAY DEPARTMENT

130 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
845-452-2720 845-452-2709 FAX

DATE: March 30, 2011
TO: Town Board
FROM: Mike Kelly, Highway Superintendent
RE: 2011 Equipment Request

I would like to request permission to go out to Bid on Equipment purchases for 2011.

EQUIPMENT PURCHASES TO GO TO BID

- 2 = 4 x 2 Cab & Chassis with plows, bodies, sanders, hydraulics & radios.
(Above 4 x 2's will be replacing 2 (two) 1989 Mack's, truck 19 & truck 17)

State Bid cost for 2 (two) \$372,722.66

- 2 = New Stainless bodies for 2 (two) 2000 Internationals
(Above bodies will be replacing 2 (two) bodies that are rotted and unsafe on truck 23 & truck 8)

State Bid cost for 2 (two) \$ 64,981.00

- 1 = Coats X-Series Tire Machine.

Lowest of 3 bids \$ 6,915.61

- 4 = Stertic - Kowi Portable truck lifts with all needed accessories.

State Bid cost for 4 (four) \$ 59,103.00

TOTAL COST \$503,722.27

Should you have any question in regards to this request, please contact me.

Thank you,

Michael Kelly,
Superintendent of Highways

RESOLUTION

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

WHEREAS, on April 19, 2006, the Town of LaGrange, on behalf of itself and the Manchester Water District, entered into a Water Agreement with Daley Farm Development, LLC and David Petrovits; and

WHEREAS, all right, title and interest in the Water Agreement has been assigned to Titusville Estates, LLC (the "New Owner"); and

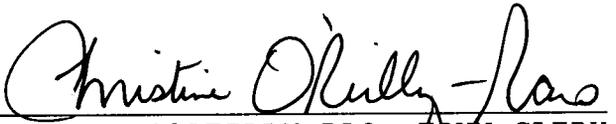
WHEREAS, the Town and Titusville Estates, LLC have negotiated a Supplemental Water Agreement (the "SWA"), a copy of which is attached hereto.

NOW THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the aforesaid SWA, or any other agreement document 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	ABSENT
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York
April 13, 2011


CHRISTINE O'REILLY-RAO, TOWN CLERK

SUPPLEMENTAL WATER AGREEMENT

AGREEMENT made this 13th day of April, 2011, between the TOWN OF LAGRANGE (the "Town"), New York, a municipal corporation organized under the laws of this state, with an address at Town Hall, 120 Stringham Road, LaGrangeville, New York, 12540 (on behalf of itself and on behalf of the Town's Manchester Water District ("MWD")), as part of the first part, and DALEY FARM DEVELOPMENT, LLC ("DFD"), an entity organized under the laws of this state having its principal office at 6 Old North Plank Road, Newburgh, New York, 12550 and TITUSVILLE ESTATES, LLC ("Current Owner"), an entity organized under the laws of this state having its principal office at c/o Steven Domber, 2537 Route 52, Suite 12, Hopewell Junction, New York, 12533.

WHEREAS, DFD, one DAVID PETROVITS ("Petrovits"), 101 Daley Road, Poughkeepsie, New York, 12603, and Town entered into an earlier Water Agreement dated April 19, 2006 (hereafter the "Water Agreement"); and

WHEREAS, DFD and Petrovits entered into the Water Agreement jointly and severally; and

WHEREAS, DFD and Petrovits have conveyed any and all right title and interest to Current Owner of the Real Property which is the subject of the Water Agreement; and

WHEREAS, DFD and Current Owner represent that DFD and Petrovits have fully assigned without reservation all rights and interest to the subject of the Water Agreement to Current Owner; and

WHEREAS, Current Owner represents that it has assumed all obligations of DFD and Petrovits to the Town under the Water Agreement; and

WHEREAS, the parties enter into this Supplemental Water Agreement ("SWA"), in part, for the purpose of substituting

Current Owner as a party to, and the primary obligor to the Town under, the Water Agreement; and

WHEREAS, the parties further enter into this Supplemental Water Agreement ("SWA") for the purpose of clarifying the Water Agreement, and for purposes of modifying and superseding all terms of the Water Agreement which are inconsistent with the terms of this SWA; and

WHEREAS, the Town has diligently explored the nature of a Future Water Administration Entity, and standards for regulatory approval of establishment and improvement of a Water Administration Entity to cover the Real Property identified in the Water Agreement, in order to provide public water supply of up to 44,740 gallons per day to the Real Property from sources of the Town's Manchester Water District which were developed at the time of making of the Water Agreement; and

WHEREAS, regulatory approval of the establishment of a Water Administration Entity serving that purpose is a condition of the Town's obligations under the Water Agreement; and

WHEREAS, regulatory approvals for the establishment and improvement of an effective Water Administration Entity serving that purpose include, but are not limited to, obtaining of Water Supply Permit from this state's Department of Environmental Conservation, which regulatory approvals will not be obtainable absent the development or availability of more public water supply source and/or storage than developed by the Manchester Water District at the time of making of the Water Agreement; and

WHEREAS, these circumstances are addressed in a Report of Clark, Patterson & Lee (Greg Bolner, P.E.) dated October 8, 2010; and

WHEREAS, the Water Agreement does not provide for the Town or the Manchester Water District to capitalize, or to otherwise fund or contribute to, the development of more public water

supply source and/or storage than developed by the Manchester Water District at the time of making of the Water Agreement; and

NOW, THEREFORE, for mutual consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The parties acknowledge and agree with the content of the aforesaid WHEREAS paragraphs of this SWA.

2. Current Owner acknowledges and agrees, for all purposes including but not limited to the Town's efforts to obtain all regulatory approvals necessary for the establishment and improvement of a Water Administration Entity covering the Real Property and providing up to 44,470 gallons per day to the Real Property, that neither the Town of LaGrange nor the Manchester Water District shall be required or obligated to Owner or to any third parties to capitalize, or to otherwise fund or contribute to, the development of additional water supply source and/or storage necessary to obtain regulatory approvals to provide public water supply to the Project.

3. At the option of the Current Owner the Town will follow all reasonable steps possible to authorize a future Water Administration Entity covering the project to finance the capital cost of additional supply or storage necessary to provide public water supply to the project.

4. Current Owner adopts and agrees to be bound by all representations made by DFD and Petrovits in the original Water Agreement, including but not limited to the legal capacity and authority to enter into this Agreement, and to assume all obligations thereunder.

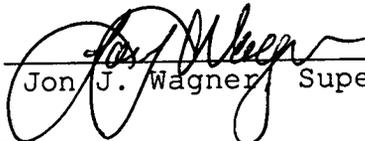
5. Current Owner assumes all obligations to the Town set forth within the Water Agreement and this WSA.

6. Current Owner agrees to defend and indemnify Town, with defense by counsel of the Town's choosing, with respect to

deemed to have been changed as to this notice provision by virtue of his or her assumption of their office.

NANCY J. BAUGHMAN
Notary Public, State of New York
Qualified in Dutchess County
No. 01BA6129543
Commission Expires: June 27, 2013

TOWN OF LAGRANGE

By: 
Jon J. Wagner, Supervisor

OWNER:

DALEY FARM DEVELOPMENT, LLC

By: _____
Stephen E. Rieger

TITUSVILLE ESTATES LLC

By: _____
Steven Domber

STATE OF NEW YORK, COUNTY OF DUTCHES) ss.:

On the day of April, 20, before me, the undersigned, a notary public in and for said state, personally appeared JON J. WAGNER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF DUTCHESS } ss.:

On the day of April, 20, before me, the undersigned, a notary public in and for said state, personally appeared STEPHEN E. RIEGER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF DUTCHESS } ss.:

On the day of April, 20, before me, the undersigned, a notary public in and for said state, personally appeared STEVEN DOMBER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

S:\WPDOCS\LaGrange (0070)\Daley Farm (650)\2011\04.12.11 revised supplemental water agreement.docx

Adopted on April 13, 2011

Internal Controls

Introduction

Internal controls are essential for “good” management and specific to cash receipts can be defined as activities (safeguards) that are in place to provide reasonable assurance that those cash receipts will not be misplaced, lost or stolen.

Overview

The Town of LaGrange routinely engages in the receipt of cash during the normal course of business. Those receipts are the property of the taxpayers and must be safeguarded. Cash receipts can be misplaced, lost or stolen if proper internal controls are not followed as a regular routine.

Internal control has been defined by the Committee on Auditing Procedures of the American Institute of Certified Public Accountants as follows; Internal control comprises the plan of organization and all of the coordinate methods and measures adopted within a business to safeguard its assets, check the adequacy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.” The term “internal check” is frequently regarded as being synonymous with internal control when the control is restricted to accounting and financial matters, such as cash receipt and disbursement procedures.

Some fundamental rules for attaining control over cash must be followed;

- Record cash receipts immediately
- Prior to deposit cash receipts must be secured in a cash drawer, vault, safe or locked cabinet to which only specifically authorized personnel have access.
- Deposit each day’s receipts intact.
- Separate cash handling from record keeping
- Do NOT permit any one person to handle a cash transaction from beginning to end.
- Centralize receiving of cash as much as possible.
- Have bank reconciliations prepared by persons not responsible for handling cash.
- All disbursements of material amount must be made by check.
- Checks should only be issued when satisfactory documentary evidence exists that the disbursement is proper.

Separation of Duties

- Responsibilities for collection and deposit preparation should be segregated from those involving the recording of cash receipts.
- Responsibilities for cash receipts should be segregated from cash disbursement responsibilities.
- Functions involving the preparation and approval of bank account reconciliation should be segregated from all other cash receipt and disbursement functions.

Adopted on April 13, 2011

FEES

Introduction

Internal controls are essential for “good” management and specific to cash receipts can be defined as activities (safeguards) that are in place to provide reasonable assurance that those cash receipts will not be misplaced, lost or stolen.

Overview

The Town of LaGrange collects fees for a wide ranging assortment services in all departments. Generally, the handling of all fees is subject to the policy guidelines outlined in the town’s Cash Receipts Policy and Internal Controls Policy.

All employees must familiarize themselves with the policies and carry out the collection of fees accordingly.

The Town of LaGrange Town Code specifies the procedure in place for the establishment of all fees. The fee structure can be adjusted or amended as needed through a majority vote of the Town Board. The resulting amendments or changes to the overall fee structure will be memorialized by the Town Clerk as a result of the Board action.

The Building Department has been designated to be responsible to ensure that; (A) All copies of the town’s fee schedule are up to date, (B) All outdated copies have been removed from work areas and (C) that the town’s web site contains the latest up to date copy of the fee schedule for public view.

Each town department responsible for collecting a fee is also responsible to ensure that the fee being collected is correct and subject to a current approved fee schedule.

The following guidelines pertain to the collection and handling of all fees:

- Fees are not discretionary
- Employees must charge the fee listed for the appropriate transaction with no variation.
- Fees must be collected even if the applicant is requesting some form of waiver.
- Requests for waivers, reductions or adjustments MUST be referred to the Town Board in writing. The request must include specific details regarding the request)
- The Town Board will consider the request at a subsequent Town Board meeting.
- In the event that the Town Board agrees to a waiver or reduction, a refund check will be issued to the requesting party.
- Fees collected are cash and must be handled in accordance with the town’s policies on cash handling, and Internal controls as outlined in the town’s policies under those headings.

Adopted on April 13, 2011

Actual or Suspected Losses or Shortages

Introduction

Internal controls are essential for “good” management and specific to cash receipts can be defined as activities (safeguards) that are in place to provide reasonable assurance that those cash receipts will not be misplaced, lost or stolen.

Overview

The Town of LaGrange routinely engages in the receipt of cash during the normal course of business. Those receipts are the property of the taxpayers and must be safeguarded. Cash receipts can be misplaced, lost or stolen if proper internal controls are not followed as a regular routine. Despite the application of best practices, losses can occur

Actual or Suspected Loss or Shortage

All incidents involving the actual or suspected loss of Town assets are to be documented and reported: (1) to law enforcement authorities; (2) to the Town Supervisor; (3) the Town Comptroller.

Definitions

Incidents to be reported include, but are not limited to the following:

- Unexplained discrepancies in cash balances and/or bank reconciliations
- Cash theft or burglaries
- Receipt of counterfeit bills
- Unauthorized withdrawals from town bank accounts
- Unauthorized or improper disbursements
- Unauthorized or improper payroll/time and leave transactions
- Actual or suspected theft or loss of supplies or equipment
- Return of bail or escrow in the wrong amount and/or to the wrong party
- Loss of financial stationary or any other unexplainable financial discrepancy

Procedure

Upon detection of a potential loss or shortage, the Department Head or employee in charge should immediately notify the Town Supervisor and the Town Comptroller. The department Head or employee in charge shall document the circumstances surrounding the incident immediately to ensure pertinent details are not lost or forgotten. A written report must include:

- Date and time of the incident and/or when it was detected
- Name of the individual(s) who detected the loss or shortage
- Specific value and description of the assets lost or stolen (e.g. cash dollar amount, bank account number, asset tag number, model number serial number etc...)
- Name and description of individual(s) who were involved or had access to the assets that were lost or stolen
- Description of the physical scene and the security measures that had been (or not been) in place to protect the assets that were lost or stolen

All written reports must be submitted to the Town Supervisor and the Town Comptroller immediately following the discovery of the incident.

Adopted on April 13, 2011

Town of LaGrange NY - Financial Controls

Introduction

Internal controls are essential for "good" management and specific to cash receipts can be defined as activities (safeguards) that are in place to provide reasonable assurance that those cash receipts will not be misplaced, lost or stolen.

Overview

The Town of LaGrange routinely engages in the receipt of cash during the normal course of business. Those receipts are the property of the taxpayers and must be safeguarded. Cash receipts can be misplaced, lost or stolen if proper internal controls are not followed as a regular routine.

Internal control has been defined by the Committee on Auditing Procedures of the American Institute of Certified Public Accountants as follows; Internal control comprises the plan of organization and all of the coordinate methods and measures adopted within a business to safeguard its assets, check the adequacy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies." The term "internal check" is frequently regarded as being synonymous with internal control when the control is restricted to accounting and financial matters, such as cash receipt and disbursement procedures.

Beginning in 2006 and continuing to date, this Town Supervisor has worked to create an atmosphere of financial control throughout all town departments. In that time, the following has occurred:

- The Town's procurement policy was overhauled requiring all purchases to be preceded by a purchase request form, authorization, a budget check and the issuance of a Purchase Order (PO).
 - Employees must complete certain steps necessary to ensure purchases are being made from the least expensive source.
 - A specific purchase request form must accompany each purchase request, even if the purchase is the subject of a competitive bid.
 - Supporting documents are required to prove that the source is the best available.
- Purchasing of routine items has been centralized.
- The budget preparation format was overhauled in 2006 and as a result all potential expenditures are now included in the budget. All departments were informed at that time that items not budgeted for cannot be purchased, a practice that was not consistently followed in prior years.
- The Town Comptroller and the Town supervisor have attended numerous finance and management schools and training classes from 2006 through 2008 and again in 2011 presented by:

- The NYS Office of the State Comptroller
- The Association of Towns of NYS
- The Government Finance Officers Association
- A policy of conducting “intrusive” audits and a critical review of LaGrange’s financial controls was instituted in 2007. Practices that were identified as needing overhaul received attention and were corrected.
- Position Of Town Comptroller Created
 - Centralized all Financial Matters
 - Critical Review of Accounts Payable
 - Centralized Tracking of Debt
 - Developing Ways To Reduce Debt and Use Alternative Financing / Investment Methods
- The LaGrange Employment Policies and Practice manual was updated in 2006 and again in 2011.
- Flex time and associated rules for use established to cut costs.
- Fund Handling Policy established
 - Deposit procedures outlined
 - Bank account reconciliation procedures outlined
 - Petty cash procedures outlined
- Process Server Policy established
- Original Signatures required on all time reporting documents to ensure proper supervision
 - Practice of stock piling signed time and attendance forms curtailed
- General Internet use policies reinforced
- Financial internet policy established (Internet banking)
 - Only computers with an approved “Smart Key” from the Town’s banking institution are permitted to access town accounts through the internet.
- Additional financial policies established or updated:
 - Court Credit Card Acceptance policy
 - General Credit Card policy
 - Cash Management policy (update)
 - Procurement Policy (update)

- Travel and Conference policy
- Internal Controls (pending)
- Losses or Shortages (pending)
- Fees (pending)
- The Town's Ethics Law has been updated and enhanced.
- Moody's Investor Services upgraded LaGrange's bond rating from a1 to aA.

During mid 2010, some conflicts arose regarding certain Department Heads disagreeing with the Town Supervisor's and Town Board authority to establish financial controls, policies and procedures. That authority however is clearly spelled out in municipal law, and echoed in NYS Comptroller audits Statewide. Those disagreements led to acquiring a legal opinion from the Town Attorney confirming that the authority exists.

Supervisor Wagner began to conduct a renewed and intensified exploration of the internal (or financial) controls in place throughout all Town's departments. Justice Court personnel employed in 2010 were asked to submit a written report on the establishment of an automated cash handling system specifically and an additional written report on the overall status of internal controls in general within their department. To date, no reply has been received.

The audit firm conducting the previously described audits was asked to use and submit NYS Office of the State Comptroller audit checklists and guidelines and place a strong emphasis on Internal (or Financial) controls. The checklists were intended to ensure that all shortcomings were identified and corrected. The Town Comptroller was informed that the audits need such an emphasis and to ensure that the work was completed in that manner during the audit of the towns financial records for 2009. (Both the courts and town general finances)

During the audit, a phone call was placed to the firm reinforcing the request for a strong look at internal controls. While some findings did occur in the audits and are in the process of being corrected, the checklists were not submitted by the audit firm. Findings in the General and Court audits are being corrected by the appropriate Department Heads.

The Town Clerk, Building, Planning, Zoning, Parks and Tax Collection departments were also directed to complete a written report outlining the internal (financial) controls within their departments. Each Department Head was provided with a copy of a NYS Office of the State Comptroller guidebook on Internal Controls to review for reference.

Each of the listed departments did respond in writing and have as a result heightened their awareness of the need for Internal Controls. Not all comments in their respective reports refer strictly to the concepts of internal controls, so there appears to be a need for additional training to clarify the subject.

The Town Comptroller is compiling a separate report.

2010 AUDIT OF THE JUSTICE COURT

At the end of 2010, a transition from one Town Judge to another was about to take place. An audit of the financial records of an outgoing Judge was necessary to ensure that the financial records and

accounts were correct prior to a transfer of funds from one Judge to the other. A separate audit was conducted of each of the two judges. The audits were conducted by Rae D' Achille of D' Achille & Associates. These audits were the first that the firm has completed for LaGrange.

The results of the Audit were presented to the Town Board at its February 9, 2011 regular meeting. Account balances have been verified.

Some of the findings from the audits continue to point out that internal controls need to be strengthened. Some of the findings of the 2009 audit point to the same conclusion. The Justice Court will be making changes to address those findings.

2011 ACTION ITEMS

- The Town Board will be asked to consider a proposal from D' Achille Associates to conduct the audits of town departments for 2011 in addition to the previously noted court audits. The purposes behind conducting independent audits are multi-faceted. Audits are done to ensure account balances are correct, internal controls are in place, corrections are made to deficiencies and employees are educated in the proper methods and best practices of financial handling. Rae D' Achille has a lengthy background as a former field auditor for the NYS Office of the State Comptroller (OSC) Ms. D' Achille's experience in that capacity and as an Instructor for that agency uniquely qualifies her to assist LaGrange in finalizing strong roots in internal controls that are practiced daily as a routine part of daily business.
- D' Achille & Associates have been provided with copies of the internal (financial) controls responses that have been received to date for critique of our employee's understanding of internal controls, and for use during subsequent audits.
- The Town Board will be asked to consider resolutions directing appropriate corrective actions as indicated by audit results and other findings.
- The Town Comptroller will conduct periodic department audits throughout the year, and has the authority to ensure compliance with financial policies, procedures and internal controls is occurring as a matter of routine throughout the year.
- Additional policies need to be approved including, but not limited to:
 - Account Reconciliation Policy (to be written by the Town comptroller)
 - Escrow Policy (to be written by the Town Comptroller)

The Town Board will be also be asked to consider a proposal to have D' Achille & Associates conduct a training session (or sessions) with employees that handle funds. The purpose of this in-service education will be to improve financial handling practices and internal controls awareness.

LaGrange, like every other municipality in New York State is experiencing a great deal of budget pressure due to the faltering national and state economy. While the policies of this administration have improved upon many aspects of our financial process, there is always room for improvement. Despite the economic pressures, we have been able to see our bond rating elevated to a higher status, while spending has been reduced. Working together through concise policies, enforcement of those policies and education we will continue to position LaGrange to endure the current economic climate and safeguard the taxpayer's money.

Town of LaGrange
Workplace Violence Prevention Policy
Adopted on April 13, 2011

A. Intent

The Town of LaGrange has a commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All elected officials, employees, volunteers and appointed individuals (hereafter called employees) of the town are expected to maintain a working environment free from violence, threats of harassment, threats of violence, intimidation or coercion. Such acts that involve or affect the employees of the Town will not be tolerated.

The purpose of this policy is to address the issue of potential workplace violence in our town, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to follow when such violence has occurred. This policy is written to meet the requirements of NYS Labor Law, Section 27-b.

B. Policy

The Town of LaGrange is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirement of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual workplace training program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The town has identified response personnel that include a member of

management and an employee representative. If appropriate, the Town will provide counseling services or referrals for employees.

Review of Policy -Board will review policy and make any necessary updates to committee at the annual reorganization meeting.

C. Scope of the Policy

All employees, appointed individuals, members of the public, vendors, contractors, consultants, and others who do business with the town, whether in a town facility or off-site location where town business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the town, such as former employees and visitors. This policy includes violence between employees, employees and public, and employees and contractors.

D. Definitions:

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses, or intimidates others, interferes with an individual(s) legal rights of movement or expression, or disrupts the workplace, the work environment, or the town's ability to provide services to the public. Examples of workplace violence include but are not are not limited to:
 - a. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, hand gestures, or waving arms and fists).
 - b. Intentional physical contact for the purpose of causing harm (such as slapping, jabbing, stabbing, punching, striking, or other physical attack).
 - c. Menacing or threatening behavior such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten. Behavior that creates a hostile work environment where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.
 - d. Possessing firearms, imitation firearms, BB guns, paintball guns, pellet guns, knives with blades longer than four inches or other dangerous weapons, instruments or materials. No one within the town workplace, with the exception of the police, shall have in their possession a firearm or other dangerous weapon, instrument, or material that can be used to inflict bodily harm on an individual or damage town property without specific written authorization from the Supervisor regardless of whether the individual possesses a valid permit to carry the firearm or weapon.
 - e. Harassing or threatening letters, phone calls, FAX, text messages, instant messages, web-posting, e-mails, and other forms of communication.

- f. Threats or attempts to commit suicide.
 - g. Surveillance includes unapproved photos and video on cell phones, cameras, and/or camcorders.
2. Department Head is the person designated to supervise the activities and operation of departments in the Town of LaGrange Government. Department Heads are: Town Clerk, Town Comptroller, Town Justice, Town Highway Superintendent, Town Assessor, Town Receiver of Taxes, Town Building Inspector, Town Administrator of Public Works and Town Director of Recreation.
 3. Chair is the appointed leader for the following Board or Committees: Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Recreation Advisory Committee, Open Space Committee, and Public Safety Committee.
 4. Employee is any individual involved in the Town of LaGrange government including: Elected officials, paid employees, appointed individuals and volunteers appointed to various Boards and/or Committees and are called employees herein.
 5. Workplace includes any Town-owned property (building, park, or parking lots) work site (road construction, and maintenance, tree and brush trimming and cutting, roadside mowing, culvert construction and maintenance, and snow and ice control operations, other similar locations and activities, and Town-sponsored events.

E. Risk Factors

Potential risk factors include but are limited to:

1. Working in the public setting
2. Working late night or early morning hours
3. Exchanging money with the public
4. Working alone or in small numbers
5. Uncontrolled access to the workplace
6. Areas of previous security problems

F. Preventative Actions

The methods the Town of LaGrange will use to prevent incidents of occupational assaults and homicides in the workplace include but are not limited to the following:

1. Making high risk areas more visible to more people.
2. Installing good exterior lighting
3. Using drop safes or other methods to minimize cash on hand
4. Posting signs stating that limited cash is on hand
5. Provide training in conflict resolution and nonviolent self-defense responses.
6. Establishing and implementing reporting systems for incidents of aggressive behavior.

G. Reporting of Incidents

1. General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Town. Workplace violence should promptly be reported to the appropriate Town Official. (See H. Responsibilities) Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in D. Definitions. It is important that all employees of the Town take this responsibility seriously to effectively maintain a safe working and learning environment.

2. Imminent or Actual Violence

Any employee experiencing or witnessing imminent danger or actual violence involving weapons or personal injury must immediately call 911 and notify their immediate supervisor.

3. Acts of violence Not Involving Weapons or Injuries to Persons

Any employee who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, must report the incident to their supervisor, or in lieu thereof to the Town Supervisor.

4. Commission of a Crime

All employees who believe a crime has been committed against them have the right and are encouraged to report the incident to the appropriate law enforcement agency.

5. False Reports

Employees who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/ or referral to civil authorities as appropriate.

6. Incident Reports

The Supervisor will maintain an incident report file for the Town.

H. Responsibilities

1. Town Supervisor

The Town Supervisor shall be responsible for the implementation of this policy for all Town employees. The responsibility includes dissemination of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all department heads are aware of their responsibilities under this policy through internal communications and training. The Supervisor is responsible for responding to, intervening, and documenting all incidents of violence in the workplace for Town employees. The Town Clerk will immediately log all incidents of workplace violence.

2. Department Heads/ Chairs

Each Department Head or Chair with supervisory responsibility is responsible within their area of jurisdiction for the implementation of this policy. Department Heads and Chairs must report to the Supervisor any complaint of workplace violence made to them and any other incidents of workplace violence of which they become aware or reasonable believes to exist. Department Heads and Chairs must inform the Supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Supervisor, the Department Head or Chair must keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Department Heads and Chairs are required to contact the police by immediately calling 911 in the event of imminent or actual violence involving weapons or potential physical injuries.

3. Employees

Employees must report workplace violence, as defined above, to their Department Head or Chair. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee (s) Department Head or Chair should be brought directly to the attention of the Supervisor. Employees who have obtained Orders of Protection are expected to notify their Department Head, Chair, and the Supervisor of any orders that list Town locations as protected areas. Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their Department Head, Chair, or the Supervisor. Confidentiality will be maintained to the extent possible. Upon hiring, and annually

thereafter, employees will receive copies of this policy from the Town Clerk. Additionally, the policy will be posted throughout the Town and be placed on the Town website, as appropriate.

4. Supervisor/Town Clerk Responsibilities

The Supervisor is responsible for responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; and consulting with, as necessary, counseling services to secure professional intervention. The Supervisor shall insure that employees receive appropriate training.

The Town Clerk is responsible for providing new employees with a copy of the Workplace Anti-Violence policy as well as posting the policy throughout the Town's properties and on the Town website, as appropriate. Each year, the Town Clerk will distribute a copy of the Anti-Violence policy after the re-organizational meeting and request certification of receipt of policy.

I. Education

The Supervisor is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training in conflict resolution and nonviolent self defense responses will be provided along with measures employees can take to protect themselves from such risks, such as appropriate work practices and emergency procedures. Literature and a video will be available when desired from the Supervisor for employees self training and refreshing.

J. Confidentiality

The Town shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of employees of the Town would be served by such action.

K. Retaliation

Retaliation against anyone who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline as provided in appropriate laws, rules, regulations, and policies up to and including termination.

L. Employee Security Survey

Employees will be encouraged periodically to complete the attached Employee Security Survey. The information obtained from the survey will be use to improve the security of the workplace for the employees and to make appropriate revisions to this policy. The Town Supervisor will be responsible to conduct the survey when desired, to analyze the information, and to take appropriate corrective action.

M. Workplace Violence Incident Report

Workplace violence should not be ignored and employees are encouraged to report incidents of violent behavior. Reporting of incidents will enable the Town to maintain a safe working environment. The attached Workplace Incident Report shall be used to document specific incidents and should be kept in the incident report file with the Town Supervisor.

N. Record Keeping

Currently, public employers are required to record and report workplace violence incidents in accordance with New York State Labor Law, Section 27-a (Public Employer Safety and Health Act). NYCRR Part 801 of that Law, Recording and Reporting Public Employees Occupational Injuries and Illnesses, specifies conditions for employer recordkeeping and reporting requirement. Specifically, an employer is required to record an employee workplace violence injury if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid and loss of consciousness. Additionally, employers should utilize accident and illness record keeping information to ensure that their written workplace violence prevention plan is effective as possible. Employers are also required to report employee workplace violence related fatalities and multiple hospitalizations to the Department's Public Employee Safety and Health (PESH) Bureau within 8 hours of the incident by calling the Albany office: 1-518-447-5508. (Refer to NYCRR Part 801 for complete information pertaining to employee record keeping and PESH reporting requirements.

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Stipulation settling the tax certiorari proceedings brought by Mariellen Pangia against the Town of LaGrange from 2008 through 2010 and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
~~Co. March~~, 2011 April 13, 2011

MOVED BY:

Councilman Jessup

SECONDED BY:

Councilman Palumbo

AYES:

4

NAYES:

Ø

Christine Kelly Rao
Town Clerk

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Consent Judgment settling the tax certiorari proceedings brought by Randal J. Ciriclio and Joyce L. Ciriclio against the Town of LaGrange for the 2010 assessment roll whereby the assessment will be reduced to \$500,000 and to sign such other and further papers as are necessary to effectuate the settlement, said refund to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York

~~March~~ April 13, 2011

MOVED BY Councilman Polhemus

SECONDED BY Councilman Luna

AYES 4

NAYS 0

Christine O'Reilly Rao
Town Clerk

RESOLUTION

Supervisor Wagner, seconded by Councilman Jessup, introduced the following proposed local law, to be known as Local Law No. _____ of 2011 entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND SECTION 240-29 "NONCONFORMITY," SUBSECTION (E) "CASUALTY."

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

Section 1. Town Code Section 240-29(E) is amended as follows:

- (E) Casualty. If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire or other casualty, such building or structure, except nonconforming signs, may be restored and any such nonconforming use resumed to the extent that such building, structure or use existed at the time of the casualty, provided that a building permit for such restoration is obtained within a period of one year from such casualty and is diligently prosecuted to completion. In the event of failure to start such restoration within the one-year period and to complete all restoration within 24 months from the date of casualty, the right under this subsection to restoration of such building or other structure and the right to resume any such nonconforming use shall be lost and terminated.
1. The Town Board may grant an extension of one year to the 24-month term for the completion of restoration upon the receipt of a letter requesting such extension and provided that at least 70% of all restoration work has been completed, in the opinion of the Building Inspector.
 2. The Town Board may grant an additional extension of up to one year to the 24-month term for the completion of restoration upon the receipt of a letter requesting such extension and provided that at least 80% of all restoration work has been completed, in the opinion of the Building Inspector.
 3. The Town Board may grant an additional extension for such time as the Town Board may deem appropriate, but in no event more than one additional year, upon the submission of a letter application no less than 30 days before the date the last preceding extension is to expire, establishing:
 - a. Good cause, based upon the unique facts of the situation, supporting why an additional extension of time should be granted to complete restoration. The inability to obtain financing necessary to complete the restoration is

not considered to be a "unique fact" warranting an additional extension of time.

- b. That at least 90% of all restoration work has been completed, in the opinion of the Building Inspector.

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

Section 3. This local law shall apply to and shall be remedial for properties for which a building permit was issued for the restoration and reconstruction of a casualty no later than January 1, 2007.

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

Whereas, on April 13, 2011, Supervisor Wagner has introduced this local law for the Town of LaGrange, to be known as "Town of LaGrange Local Law No. _____ of the Year 2011, a local law of the Town of LaGrange, Dutchess County, New York to amend section 240-29 'Nonconformity,' Subsection (E) 'Casualty.'"

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 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 May 11, 2011, at 7 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 May 11, 2011 at 7 o'clock, p.m., on Local Law No. __ of the Year 2011, to amend section 240-29 'Nonconformity,' Subsection (E) 'Casualty.'"

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 8:30 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
April 13, 2011


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	ABSENT
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York
April 13, 2011


CHRISTINE O'REILLY-RAO
TOWN CLERK

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2011\Casualty and Nonconforming uses\Resolution of Introduction - FOR
4.13.11 MEETING.docx

SUPPLEMENTAL AGREEMENT
HARVEST RIDGE SUBDIVISION

SUPPLEMENTAL AGREEMENT this ____ of April, 2011 between the TOWN OF LAGRANGE, a municipal corporation with offices at 120 Stringham Road, LaGrangeville, New York, 12540 ("Town") and NESHEIWAT ESTATES, INC., a domestic corporation with offices at c/o Mitch Nesheiwat, 785 Broadway, Kingston, New York, 12401 ("Developer").

WHEREAS, Developer entered into an earlier Agreement ("Initial Agreement") with the Town, dated September 1, 2010 addressing, among other things, the terms and conditions under which Developer might commence and undertake construction of public improvements in accordance with approved plans and specifications for the residential subdivision known as the Harvest Ridge Subdivision ("Project"), and in advance of providing performance security to the Town; and

WHEREAS, the Initial Agreement provided that any subdivision reapproval by the Planning Board of the Project would necessitate, as of that time, the Project's providing to the Town of performance security covering the balance of public improvements which had not been completed; and

WHEREAS, since the date of the Initial Agreement, the Developer has undertaken public improvements at the Project has constructed a portion of the public improvements; and

WHEREAS, annexed hereto as Schedule "A" is an identification of the public improvements for the Project which have not been completed as of the date of this Supplemental Agreement; and

WHEREAS, the Project requires reapproval of conditional final subdivision approval as of the Planning Board meeting of April 19, 2011, and the Project has applied for same; and

WHEREAS, the primary purpose of this Supplemental Agreement is to extend the time frame within which the Developer may continue to make public improvements at the Project in advance of providing performance bonding to the Town, subject to the other terms and conditions of this Supplemental Agreement.

IT IS HEREBY AGREED, between Town and Developer as follows:

1. The terms and conditions of the Initial Agreement shall remain in full force and effect, except to the extent they are inconsistent and modified by the provisions of this Supplemental Agreement.

2. Paragraph "3" of the Initial Agreement shall be deemed amended to the extent that:

- a) Developer shall have until September 15, 2011 to either complete the subdivision public improvements listed on Schedule "A",

with the exception of construction of the top course or coat of the subdivision roads, or by September 15, 2011, Developer shall provide performance security in an amount and form acceptable to the Town for the balance of uncompleted public improvements excepting completion of the top course or coat of the subdivision roads;

- b) Developer shall post performance security for the completion of the top course or coat of the subdivision roads no later than the time for filing of the subdivision plat, i.e. no later than before March 1, 2012;
- c) The Developer's compliance with these modified obligations, as well as all other obligations set forth in the Initial Agreement and this Supplemental Agreement, shall be made an express and consensual condition of reapproval of the subdivision by the Planning Board; and
- d) Developer will not request further modifications or extensions of the timeframes for performance bonding of the public improvement work for the Project or

for the filing of the subdivision plat
before March 1, 2012.

3. The restoration bond previously provided by Developer to the Town under the Initial Agreement shall continue until the Developer has completed, or provided acceptable performance security for completion of, the Project's public improvements.

4. All consulting fee costs and expenses incurred by the Town in connection with the making, management, and enforcement of the terms of both the Initial Agreement and this Supplemental Agreement shall be the responsibility of the Developer who shall continue to escrow adequate funds as determined by the Town to cover such ongoing costs of the Town, and Developer shall remain responsible for all reasonable attorney's fees incurred by the Town in the enforcement of the Initial Agreement and this Supplemental Agreement.

5. Developer will accelerate, and complete by June 1, 2011, the grading and landscaping improvements shown on the approved plans for the Project for the area along the common boundary of the Project with the residential development known as Dutchess Farms.

6. Upon the making of this Supplemental Agreement, Developer shall pay to the Town the additional nonrefundable sum of \$5,000 representing a further contribution, in addition to

the contribution made under the Initial Agreement, to lessen the effect on assessed valuation of potential non-filing of the plat prior to taxable status date March 1, 2012.

7. Upon the making of this Supplemental Agreement, Developer will provide to the Town a Water Improvements Maintenance Bond in the amount of \$_____, together with the cash or letter of credit security for that obligation in a form and by an institution acceptable to the Town.

8. Either party may record this Supplemental Agreement or a memorandum of this Supplemental Agreement with the Clerk of Dutchess County.

9. This Supplemental Agreement constitutes the full and complete agreement between the parties concerning modification of the terms and conditions of the Initial Agreement.

TOWN OF LAGRANGE

NESHEIWAT ESTATES, INC.

By: _____
Jon J. Wagner, Supervisor

By: _____
Majed Nesheiwat, President

STATE OF NEW YORK, COUNTY OF DUTCHESS } ss.:

On the _____ day of _____, 2011, before me, the undersigned, a notary public in and for said state, personally appeared JON J. WAGNER, SUPERVISOR OF THE TOWN OF LAGRANGE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF } ss.:

On the _____ day of _____, 2011, before me, the undersigned, a notary public in and for said state, personally appeared MAJED NESHEIWAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

PowerPay! Membership Form

Company: Town of Lagrange - Titusville Sewer Dist Utility: Central Hudson Gas & Electric

Utility Acct(s) #: 5654-0188-00-2

Address: 127 Overlook Road City: Poughkeepsie Zip: 12603

Contact Person: Steven Mance Tel: 845-486-1030

E-mail: SMANCE@AOL.com Fax: 845-473-0560

We want to participate in Energy Curtailment Specialists' (ECS) "PowerPay! New York" Program. By signing this Membership Form, we understand the following:

1. If in NYC we will be paid \$43,000 per MW of curtailment annually (\$26,000 per MW in summer; \$17,000 per MW in winter); If in Long Island, we will be paid \$10,000 per MW of curtailment annually (\$7,000 per MW in summer; \$3,000 per MW in winter); If anywhere else in NYS, we will be paid \$8,000 per MW of curtailment annually (\$5,000 per MW in summer; \$3,000 per MW in winter). In all zones, the payment will be capped at 80% of the gross clearing price for capacity for the applicable zone. For partial periods, payment is prorated. Payments are twice a year, once after each period.
2. We will additionally be paid \$.40/kWh of the energy payments received for any curtailment during an actual emergency event.
3. If we have a generator, we will also be paid for the fuel cost to run our on-site generator during the NYISO Event or Test, as requested by ECS.
4. We will not be subject to out-of-pocket financial penalties by participating in this program, even if we fail to reduce electricity when called upon. Further, we ARE paid to the extent that we reduce electricity, even if less than the estimated curtailment projected.
5. ECS will install an interval meter, as necessary, at no cost to us. In fact, ECS will never charge us for any service under this application.
6. ECS will maintain no control over when and how we reduce electricity when called upon. We will make best effort to reduce electricity when requested. ECS will assist us, as requested by us, to help identify what we can potentially curtail at our facility.
7. ECS will give us a day-ahead notice of any request for reduction.
8. We agree to participate for the next 6 periods, including the period in which we begin enrollment and the subsequent five (5) periods. The summer period is May 1st - Oct. 31st and the winter period is Nov. 1st - Apr. 30th. To ensure continuity of participation, we will automatically be renewed for a period of 12 months annually with the same terms, unless we notify ECS in writing 25 days before the end of the period. We authorize ECS to enroll us in NYISO's various Demand Response Programs. Our participation is subject to the kW values we are certified at NYISO for, as well as the acceptance of our curtailment capacity in NYISO's auctions.

Signature: [Signature] Title: Town Supervisor Date: 4/13/14

Signed by ECS: _____ Date: _____

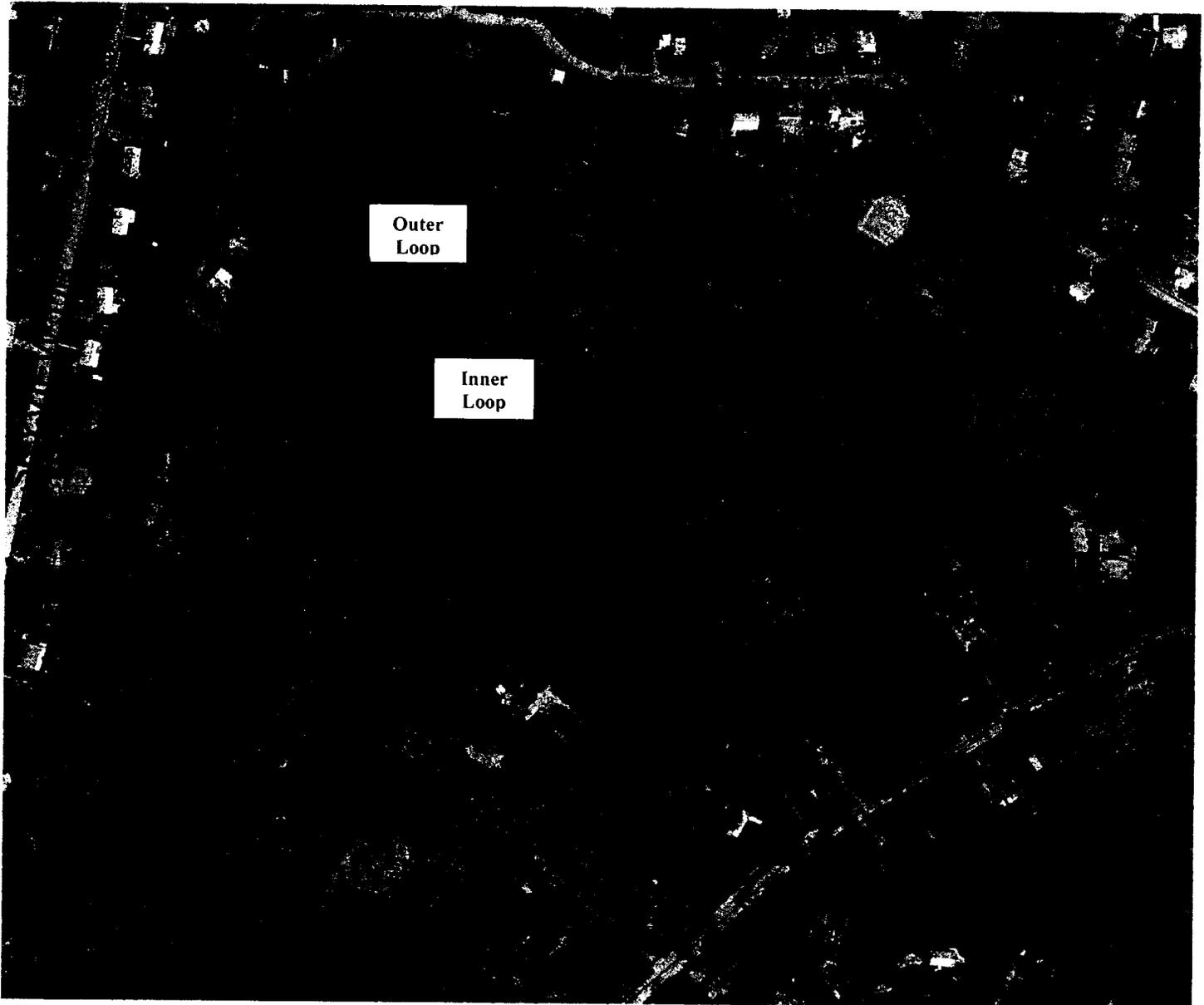
To be completed by ECS Copy of this Application (with estimated curtailment) sent to Participant: _____ Date _____
Estimated Curtailment (kW): Summer Min: _____ Summer Max: _____ Winter Min: _____ Winter Max: _____

Fax toll free to 877.711.0506



www.ecsgrid.com: 1-877-711-5453

“Stand-Alone” Popsicle Trail

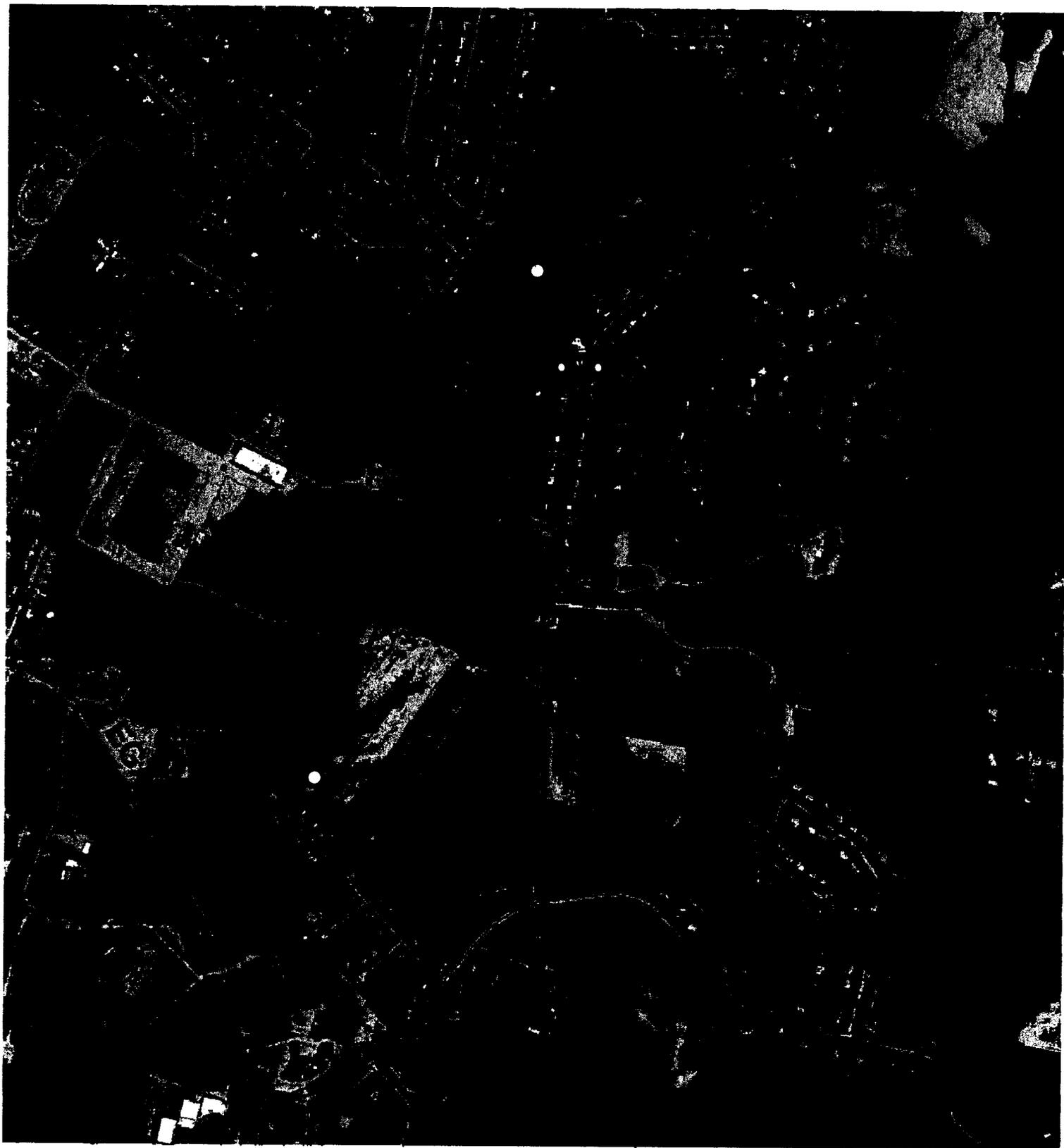


DETAILS:

- Add extension to existing “Wappinger Creek Greenway” trail (increase trail-length nearly 50%)
 - Existing Trail (GREEN)
 - NEW: “Cleared” Trail Length 4125 ft
 - NEW: “Walking” Trail Length 6000 ft => 1.15 miles
- “Look-and-Feel” of existing trail
- Walk-in (NO drive-in) from Sleight-Plass Rd (park at head of “Existing Trail” ... 1000 ft south)

April 11, 2011

“Wappinger Creek Greenway Trail”



Eagle Scout Project: "Popsicle Trail", LaGrange

INTRODUCTION

On Sleight-Plass Dr., the Town of LaGrange owns an empty but beautifully wooded 11 acre lot bounded by the Wappinger Creek on 2 sides. A great place for a walking trail.

OBJECTIVE

Add 6000 ft extension to existing "Wappinger Creek Greenway Trail" on Sleight-Plass Dr.
....only clear 4100 ft.

TRAIL CLEARING START DATE:

Fall 2011...when the leaves are down

TRAIL OPEN TO PUBLIC:

Fall 2011

PRE-CONSTRUCTION

- Walk the *existing* trail... *new trail* is to have same "look and feel"
- Help with trail approval process by Town Board.
- Document project

CONSTRUCTION

- Plan & locate all trail segments with tape flag markers
- Clear Trail:
 - o Cut only small trees < 3 inches diameter
 - o Remove brambles and grass, etc (clear 6 ft wide)
- Cut overhanging branches (clear 7-8 ft high)
- Remove any garbage from 11 acre site
- Nail-up yellow trail markers every 150 ft along trail and 7 ft high (visible from 2 directions)
- Design/Order/Install informational signs: (min 7 total required)
 - o At parking lot of old trail (1)
 - o At road entrance of new trail (1)
 - o At trail "Y" (2)
 - o at Inner/Outer trail intersections (2)
 - o "No Parking" (At road entrance of new trail) (1)

Rolf Nijhuis
9 McAllister Dr
Pleasant Valley NY 12569
(845) 635-8612 **RNijhuis@hvc.rr.com**

April 11, 2011

Town of
LaGrange, NY

Joe Luna <jluna@lagrangeny.org>

Popsicle Trail

1 message

Rolf & Margaret Nijhuis <RNijhuis@hvc.rr.com>
To: jluna@lagrangeny.org

Mon, Apr 4, 2011 at 2:21 PM

Joe

I would like to revisit the building of the Popsicle Trail on the beautiful 11 acres of Town property located on Sleight-Plass Rd.

My schedule would be to get all approvals by this fall so actual path clearing could start "just after the leaves come down" (October).

The last we left it was that Jon Wagner had asked you to contact the two neighboring families of Patrick and Pangia to inform them of the plan and to hopefully get their cooperation. At the present time, the best option for trail access to the 11 acres would be only by foot by walking up the 50 ft wide Town access strip from Sleight-Plass (driveway easement given by Town to Patrick). I am not asking for access across the Pangia or Chickery property in order to connect the existing trail with this new trail as they use their property all the way to the Creek . This new Popsicle trail will have the same look and feel of the nearby existing trail.

I can supply maps of the location with the trail marked.

I have walked the proposed trail area several times. The main trail-clearing will occur at the head of the driveway which is covered by thick scrubby bushes. Once one has walked about 1/2 the distance toward the Wappinger Creek bank, large trees dominate the terrain leaving the forest floor quite open. On the portion of trail along the actual Creek bank, only pruning would be required.

I definitely need your help with this so could you tell my next step. I would like to have a face to face meeting with you about this...the town hall would be fine. Just let me know.

Rolf Nijhuis

Phone (845) 635 8612

Town of
LaGrange, NY

Christine O'Reilly-Rao <oreillyrao@lagrangeny.org>

Fwd: 51 Smith Road

1 message

Gary Polhemus <gpolhemus@lagrangeny.org>
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.org>

Thu, Apr 14, 2011 at 8:11 AM

----- Forwarded message -----

From: **Gary Polhemus** <gpolhemus@lagrangeny.org>
Date: Mon, Apr 11, 2011 at 10:40 AM
Subject: 51 Smith Road
To: Jon Wagner <jwagner@lagrangeny.org>
Cc: Edward Jessup <ejessup@lagrangeny.org>, Joe Luna <jluna@lagrangeny.org>, Gary Beck <gbeck@lagrangeny.org>, Kathy Kowgios <kkowgios@lagrangeny.org>

As you know I have held off writing this letter or raising this issue for several years now to avoid conflicts with the owners and expecting it to be sold and resolve the problems.

This is to give the board a heads up that there is going to be some folks from Smith Road and possibly Croft Hill Road coming to the board meeting Wednesday evening to complain about the vacant property at 51 Smith Road.

I have encouraged them to voice the concerns publicly.

This property has been empty for about 9 years now. The owners who live on Traver Rd. initially tried to keep the house presentable and mow the lawn once a month or so. They do still show up occasionally and check the property.

The last few years this property has declined in condition and the lawn has not been mowed the last couple years.

The latest concern is the traffic it is getting from curious passersby and the fact that it must be known in the High School that this is empty.

THIS IS NOT NEIGHBORHOOD KIDS AND HAS NOT BEEN AT ANY TIME. The local parents make sure our kids are not on that property.

We have been chasing the kids out of there for several years now and do not feel it is our place to do so anymore.

It is beyond us that the house has not been vandalized. Must be the chasing them out.

Now that the snow has melted and traffic there has increased, I have been finding drug related baggies in the drive way after we know that someone has been there. I confirmed the drug nature of the baggies with Officer Reilly of the State Police today at Town Hall.

As recent as yesterday Sunday 4/10/11 I had to chase a silver 2 door Pontiac (With a spoiler) out of there. And yes another baggie on the ground.

We are also hearing traffic during the night. The natural police response is did you get a license number. For one I do not feel I should be chasing to get a plate number and exposing our household safety and the problem is not the individual car. The problem is the growing amount of negative traffic.

I have called the owner numerous times to alert them to this exposure to their property and the response is "I know I have been cleaning up after them I guess I will have to gate it" It has been a couple years now since I have called and no attempt to resolve the access has been provided.

When I raise the concern for our property I get a quick "Feel free to call the police if you have a problem" I have tried that and the problems always seem to leave before an officer can respond.

The neighborhood or us should not have to be put in this position for so many years. The problems there used to be just condoms after the fact but now that it has escalated to drug use and this has gone beyond the neighborhoods patience.

Due to the previous responses from the owners when called we do not feel that calling them again will solve the problem.

Obviously this new situation raised all the concerns about safety for our children, adults, our properties, and the character of the neighborhood just to name a few.

Gary Polhemus
