

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

**TOWN BOARD MEETING
June 22, 2011**

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

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

Others Present: Ron Blass, Esq. Van De Water & Van De Water

The regular meeting of the Town Board was held on Wednesday, June 22, 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 June 8, 2011. Councilman Jessup moved to do so, seconded by Councilman Luna and carried unanimously.

Public Hearing

Supervisor Wagner asked for a motion to open the Public Hearing regarding "Property Maintenance"; Local Law 3-2011.

Councilman Jessup added that the law was designed to beautify LaGrange and ensure that neglected properties do not proliferate.

Councilman Luna moved to open the Hearing, seconded by Councilman Beck. The motion carried unanimously.

Mr. Al Hoffman addressed the Board. He supported the local law. He cited two properties that were located on Tom's Way which had overgrown grass for about five weeks. He noted that these kinds of situations make it difficult when a property owner is in the process of selling a home. He again stated that he was in full support of the law.

Councilman Jessup moved to close the Hearing, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Blass advised that the SEQR needed to be voted upon before the actual law. Councilman Jessup moved to accept the SEQR, seconded by Councilman Luna. The motion carried unanimously. (SEE ADDENDUM)

Mr. Wagner asked for Board comments. Mr. Beck was concerned with language in the law which required notification in some instances by Return Receipt mail.

A brief discussion ensued.

Mr. Wagner offered the option to pass this law "as is" in conjunction with an oral resolution which would set a Town Policy that all employees would issue notices via Return Receipt mail in regard to Local Law 3-2011; with the further provision that other instances requiring property owner notification be reviewed for future inclusion in this Town Policy. (SEE ADDENDUM)

Councilman Beck moved to set a Town Policy requiring Return Receipt notification of all property owners notified under the terms of Local Law 3-2011, seconded by Councilman Jessup. The motion carried unanimously.

Councilman Jessup offered the "Property Maintenance" Resolution which was seconded by Councilman Beck and carried by all. (SEE ADDENDUM)

Supervisor's Report

Supervisor Wagner stated that there is not yet a final version of the Tax Cap legislation. The impact on our municipality is still unknown.

Correspondence

Correspondence from Time Warner Cable will be available in the Clerk's office for one week.

"SMOKE FREE DUTCHESS" is sponsoring signage (at no cost) in Town parks and playgrounds to promote a smoke free outdoor environment.

Mr. Wagner asked for comment.

Mr. Huff commented that he was not in favor of addition signage that is prohibitive in nature.

Councilman Jessup moved to approve the signage.

A brief discussion followed.

No second was made. The motion did not carry.

Agenda Items

Maung Htoo, Chairman of the CAC presented the 2010 Special Project Awards which were awarded by the New York State Association Conservation Commission. The award recognized the CAC's novel method to increase dissemination of environmental information. Mr. Htoo stated that the program was started by former member, Mary Gomez for Community Day in 2005. The free magnetic fishing game for children proved to be an effective way to involve both children and their parents in conservation.

Supervisor Wagner stated that Mr. Htoo works tirelessly to promote conservation activities and awareness in the Town. He finances the Earth Day Art contest every year. Mr. Htoo also pays to frame the artwork.

Mr. Htoo also presented the three winning art projects from the Arlington High School Art Competition which celebrated Earth Day. The winners were: Kelly Marcus - 1st Prize (\$50.00); Ashley Demoral - 2nd Prize (\$35.00); Kaitlyn Niznik - 3rd Prize (25.00).

He thanked the Board for their support.

Mr. Wagner and the Board thanked Mr. Htoo for his work in the community.

The Building Inspector and Administrator of Public Works requested Board approval to go out to bid for roof repair for the Town Hall.

Councilman Luna moved to approve the request, seconded by Councilman Jessup. The motion carried unanimously.

The Justice Court Clerk requested Board approval to attend a Dutchess County Magistrates Court Clerks Association conference. There will be no cost to the Town.

Councilman Luna moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Wagner asked for a motion for a resolution regarding a proclamation for the 2011 Watershed Awareness Month for July. (SEE ADDENDUM)

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

The LaGrange Knights of Columbus requested Board approval to waive the 30 day waiting period for a liquor license application. The Knights will be holding their annual carnival from July 14th to the 16th at Overlook Park and would like to sell beer at the event.

Councilman Jessup moved to approve the request, seconded by Councilman Beck. The motion carried unanimously.

Mr. Wagner asked for a motion to approve a position for a part-time clerk for the Justice Court. This position will be in lieu of a civilian court attendant and will be paid at a rate of \$10.00 per hour. Security is now solely provided through the Sheriff's Department for security reasons.

Councilman Beck moved to approve the request, seconded by Councilman Jessup. The motion carried unanimously.

An application from Brian Van Vlack had been received by the Town requesting inclusion in the Town's list of Electrical Inspectors. The Building Inspector offered no objection to the application. Mr. Van Vlack provided all pertinent information, including insurance and training certificates.

A brief discussion ensued.

Councilman Beck, seconded by Councilman Polhemus moved to approve the request. The motion carried unanimously.

The Building Inspector requested Board approval for Soil Erosion Bonds for the following grid numbers:

- 6560-04-804045; 15 Willow Pond Road (\$1,500.00)
- 6559-02-723873; Gem Mountain Lane (\$1,500.00)

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

The Building Inspector requested Board approval for the release of Soil Erosion Bonds for the following grid numbers: (Each Bond is in the amount of \$1,500.00)

- 6361-01-084620; 86 Keith Drive
- 6361-01-112689; 58 Keith Drive
- 6361-01-120652; 69 Keith Drive
- 6361-01-119701; 56 Keith Drive
- 6361-03-093497; 131 Keith Drive
- 6361-01-209594; 86 Ridgeline Drive
- 6361-03-263421; 149 Ridgeline Drive

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

Mr. Wagner asked the Board to consider approval of an easement application for a property located at 404-406 Manchester Road. The request is being sought under Local Law 1-2011 "Non-Conformity, Subsection E - Casualty". (SEE ADDENDUM)

Mr. Blass added that the applicant's responsibility to defray the cost of the application process came to \$2,384.25.

Mr. Stenger, the applicant's attorney, stated that the check would be dropped off on Thursday.

Councilman Jessup moved to grant the application, seconded by Councilman Beck. The motion carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

Community Day was a success despite the weather. Enrollment is still open for summer camps.

Open Space

No report

Highway

No report

Town Attorney

Mr. Blass stated that he had a resolution for a stipulation to settle a case involving MJW Consulting, Inc., which he advised the Board to approve as a cost effective measure to close the case. MJW Consulting, Inc. had been involved in property assessment within the Town a few years ago. (SEE ADDENDUM)

Councilman Beck moved to approve the stipulation, seconded by Councilman Jessup. The motion carried unanimously.

Administrator of Public Works

No comments

Town Board Comments

No comments

Public Comment

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

Mr. Ralph Rabasco addressed the Board. He was concerned with how the Town chose Electrical Inspectors. He asked about the requirements.

Mr. Beck replied that they are insured, licensed and have attended training.

Mr. Luna stated that it has to do with the State Building Code and gave him the packet of information on Mr. Van Vlack.

Mr. Jessup stated that all work must be inspected by a third party to ensure all codes are met.

A brief discussion ensued.

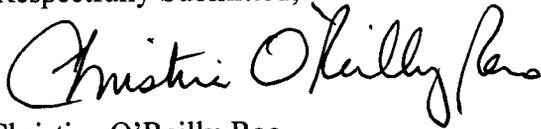
Councilman Jessup, seconded by Councilman Beck moved to close the Public Comment.

The motion carried unanimously.

Councilman Polhemus moved to adjourn to Executive Session at 7:35 p.m., seconded by Councilman Luna. The motion was carried by all.

The Board returned from Executive Session at 8:00 p.m. and Councilman Luna moved to adjourn the regular meeting, seconded by Councilman Polhemus. The motion was carried by all.

Respectfully Submitted,



Christine O'Reilly-Rao
LaGrange Town Clerk

Addendum

- Affidavit of Publication: "Property Maintenance"
- SEQR: "Property Maintenance"
- Violation Notice Policy: "Property Maintenance"
- Resolution : "Property Maintenance"
- Resolution: 2011 Watershed Awareness Month
- Resolution: Application Pursuant to Local Law 1-2011
- Resolution: Settlement with MJW Consulting, Inc.

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie,
Dutchess County, New York, being duly sworn, says
that at the several times hereinafter mentioned he/she
was and still is the Principle Clerk of the Poughkeepsie
Newspapers Division of Gannett Satellite Information
Network, Inc., publisher of the Poughkeepsie Journal, a
newspaper published every day in the year 2011 in the
city of Poughkeepsie, Dutchess County, New York, and
that the annexed Notice was duly published in the said
newspaper for one insertion
successively, in each week, commencing on the 15th
day of June in the year of 2011 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2011, both days inclusive.

Subscribed and sworn to before me this 16th day
of July in the year of 2011.

Rita Lombardi
Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

NOTICE OF PUBLIC HEARING
TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on June 22, 2011 at 7:00 o'clock, p.m., on a proposed local law regulating and requiring the maintenance of all properties in the Town on which residential, non-residential or mixed-use buildings are located, regardless of whether they are vacant, unoccupied or abandoned, as well as regulating and requiring the maintenance of such buildings located thereon.
TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.
DATED: LaGrangeville, New York
June 8, 2011
CHRYSTINE LLY-BAO
TOWN CLERK
7160

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

TOWN OF LAGRANGE TOWN BOARD

Local Law #3 of 2011 TO ADD A NEW CHAPTER 66 ENTITLED
"ABANDONED PROPERTY".

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town of LaGrange Town Board proposes to adopt a local law known as Local Law #3 of 2011 to amend the LaGrange Town Code to add new Chapter 181 entitled "Property Maintenance"; and

WHEREAS, this negative declaration is prepared in accordance with Article 8 of the Environmental Conservation Law; and

WHEREAS, the name and address of the lead agency is: Town of LaGrange Town Board, 120 Stringham Road, LaGrangeville, New York 12540; and

WHEREAS, the Town of LaGrange Town Board has determined that this action is an unlisted action pursuant to 6 NYCRR Part 617 of the NY State Environmental Quality Review Act (SEQRA), that it is the only involved agency for the purposes of SEQRA review and that the action will not be subject to coordinated review; and

WHEREAS, the Town of LaGrange Town Board has caused the preparation of a Short Environmental Assessment Form (EAF); and

WHEREAS, the Town of LaGrange Town Board has reviewed the action and all relevant supporting documentation and has compared the action with the criteria set forth in 6 NYCRR Part 617 and has determined that no significant adverse environmental impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

As demonstrated in the EAF, the act of adopting the new local law will not result in any direct or physical adverse environmental impact. Furthermore:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems. The action is a Town Code amendment the purpose of which is to maintain already developed properties, and is not expected to result in any negative impacts in such areas of environmental concern.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources. The action is a Town Code amendment the purpose of which is to maintain already developed properties, and is not expected to result in any negative impacts in such areas environmental of environmental concern.
3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted. The action is a Town Code amendment the purpose of which is to further community plans and goals, and is not expected to result in any negative impacts in such areas of environmental concern. The action is entirely consistent with and supportive of the goals and objectives of the Town of LaGrange.
4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character. The action is a Town Code amendment the purpose of which is to protect such resources, and is not expected to result in any negative impacts in such areas of environmental concern.
5. The action will not create a hazard to human health. The action is a Town Code amendment the purpose of which is to maintain already developed properties. Among the purposes of the action is to keep such properties free from vermin, nuisances, hazards, debris and litter.

6. The action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses. The action is a Town Code amendment the purpose of which is to maintain already developed properties, and is not expected to result in any negative impacts in such areas environmental of environmental concern.
7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences. The action is a Town Code amendment the purpose of which is to maintain already developed properties. Approval of any further development of such properties will be subject to the requirements of the Town of Lagrange Town Code and independent SEQRA review.
8. The action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Town of LaGrange Town Board has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environmental and that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR § 617.12.

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

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

This Negative Declaration is adopted this 22 day of June, 2011 and is ordered into the record of the Town of LaGrange Town Board with respect to Local Law #3 of 2011 to amend the Town Code to add new Chapter 181 "Property Maintenance" to provide for the maintenance of abandoned, unoccupied and vacant properties and buildings.


CHRISTINE O'REILLY-RAO
TOWN CLERK

Contact Person:
Christine O'Reilly-Rao, Town Clerk
120 Stringham Road
LaGrangeville, NY 12540
845-452-1830

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2011\Abandoned Property Chapter
(846)\6.15.11.Negative Declaration -Property Maintenance.doc

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of LaGrange Town Board	2. PROJECT NAME Local Law # ___ of 2011 new Chapter 181 Property Maintenance
3. PROJECT LOCATION: Municipality Town of LaGrange County Dutchess	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entirety of Town of LaGrange	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amendment of the Town Code of the Town of LaGrange to add new Chapter 181 entitled "Property Maintenance" the purpose and intent of which is to provide a method whereby properties within the Town are properly maintained and landscaped, properly repaired, kept clean, and kept free from vermin, nuisances, hazards, debris and litter which negatively impact their appearance.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately 39.9 sq miles acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: This Town Code amendment impacts and requires the maintenance of all developed lots, plots or parcels of land located within the Town of LaGrange on which residential, non-residential or mixed-use buildings are located, and such principal and accessory buildings.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Town of LaGrange Town Board, by Audrey Scott, Esq., Attorney Date: 6/15/11 Signature: <i>Audrey Scott, Van De Water & Van De Water, LLP</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No. The action is a Town Code amendment, the purpose of which is to maintain already developed properties, and is not expected to result in any negative impacts to such areas of environmental concern.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No. The action is a Town Code amendment the purpose of which is to protect such resources by maintaining the appearance of developed properties, and is not expected to result in any negative impacts to such areas of environmental concern.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No. The action is a Town Code amendment, the purpose of which is to maintain already developed properties, and is not expected to result in any negative impacts to such areas of environmental concern.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No. The action is a Town Code amendment, the purpose of which is to further community plans and goals, and is not expected to result in any negative impacts to such areas of environmental concern.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No. The action is a Town Code amendment, the purpose of which is to maintain already developed properties. No subsequent development or related activities are expected to occur.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 None.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of LaGrange Town Board	6/15/11
Name of Lead Agency	Date
John J. Wagner	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)

Reset

Adopted on June 22, 2011

Violation Notice Policy – Property Maintenance

Introduction

The LaGrange Town Board has adopted a Property Maintenance law which has been designed as a remedy to properties that are not being properly maintained and are therefore creating a public nuisance. Notification of the property owner is a necessary portion of the law.

Overview

The Property Maintenance Law contains language directing the method by which orders to remedy and other necessary notifications are handled. This policy sets a mandatory standard for notifications done by mail.

Procedure for Notification

Despite any language to the contrary being contained in the law all notifications carried out in conjunction with Town of LaGrange Code Chapter 181 must be carried out by mail as follows:

- Personal notification and posting the property as contained within the Property Maintenance law are acceptable.
 - **All notifications done by mail throughout all phases of enforcement MUST include a return receipt along with the certified mail – There are no exceptions.**

RESOLUTION

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

WHEREAS, a local law was introduced to be known as Local Law No.3 of 2011, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE TOWN CODE TO ADD A NEW CHAPTER 181 ENTITLED "PROPERTY MAINTENANCE".

WHEREAS, a public hearing in relation to said local law was held on June 22, 2011 at 7:00 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:
Section 1. The LaGrange Town Code is amended to add the following new Chapter 181 entitled "Property Maintenance", and reading as follows:

ARTICLE I: GENERAL PROVISIONS

Section 181-1. Authority; Findings; Purpose and intent.

A. This Chapter is enacted pursuant to § 10 of the Municipal Home Rule Law to provide for the health, safety, appearance and general welfare of the public, the residents of the Town of LaGrange, and the owners of real property located within the Town of LaGrange.

B. The Town Board of the Town of LaGrange hereby finds that properties which are not properly maintained and repaired constitute a public nuisance since they may serve as an attractive nuisance, may result in injuries therein, may be a point of congregation by vagrants and transients, may attract rodents or insects and may also attract illegal drug activity. The Town Board of the Town of LaGrange further finds that properties which are not adequately maintained and repaired tend to diminish or lessen the appearance thereof or detract from the appearance of adjoining properties, which may lead to the progressive deterioration of a neighborhood. It is further found and declared that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of the regulations and restrictions as herein contained, the growth of blight may be prevented, the desirability and amenities of neighborhoods enhanced and the public health, safety and welfare protected and fostered.

C. The purpose and intent of this Chapter is to provide a method whereby properties within the Town are properly maintained and landscaped, properly repaired, kept clean, and kept free from vermin, nuisances, hazards, debris and litter which negatively impact their appearance.

Section 181-2. Applicability.

A. This Chapter applies to the following properties:

(1) All lots, plots or parcels of land on which residential, non-residential or mixed-use buildings are located, regardless of whether they are vacant, unoccupied or abandoned.

(2) Principal and accessory buildings and structures used for or intended to be used for residential, non-residential or mixed uses or occupancies, regardless of whether they are vacant, unoccupied or abandoned.

B. Every building, structure or use, and the premises on which it is situated located in the Town of LaGrange, which is used or developed for intended use for residential, nonresidential or mixed-use occupancy shall be maintained in compliance with the provisions of this Chapter, whether or not it shall have been established, constructed, altered or repaired before or after the enactment of this Chapter, and irrespective of any permits or licenses or permits which shall have been issued for the use or occupancy of the buildings, structures or premises, or for the installation or equipment or facilities, or for the installation or repair of accessory structures and improvements, prior to the effective date of this Chapter.

C. This Chapter establishes minimum standards for the initial and continued occupancy and use and for the maintenance of all such buildings, structures or uses, and the premises on which they are situated, and does not replace or modify standards otherwise established for their construction, repair, alteration or use or for the equipment or facilities contained therein.

D. The provisions of this chapter shall supplement the local laws, codes and regulations of the Town of LaGrange. When a provision of this chapter is found to be inconsistent with any provision of any other local law, code or regulation of the Town, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.

E. After the date of enactment hereof, all licenses, permits, and approvals of any agency or board of the Town shall be issued conditionally upon compliance with this Chapter as well as compliance with the local law, code or regulation under which such license, permit or approval is granted.

F. No license, permit, approval, other certification of compliance with this chapter shall constitute a defense against any violation of any other local law, code or regulation of the Town of LaGrange applicable to any structure or premises, nor shall any

provision herein relieve any owner or operator from complying with any such other provision or with the order of any official of the Town.

Section 181-3. Definitions.

ABANDON OR ABANDONED To withdraw or give up by leaving the premises or ceasing to operate or inhabit the premises; to relinquish or renunciate an interest, claim, privilege, possession or right in a real property or an improvement on real property especially with the intent of never again resuming or reasserting it; more than a seasonal absence from the premises.

OWNER The owner of record of a tract, lot, or parcel.

PERSON IN CONTROL The owner, the attorney for the owner, the trustee in bankruptcy, a referee of foreclosure or a real estate broker or any other person exercising implied or express control of the premises, to be determined on a case-by-case basis.

UNOCCUPIED Lack of habitual presence of human beings.

VACANT Any unoccupied land, structure, building or part thereof, that is available and suitable for occupancy.

ARTICLE II: PROPERTY MAINTENANCE REQUIREMENTS

Section 181-4. Property and landscaping maintenance.

A. The owner, occupant, tenant, operator or person in control as the case may be, of any property subject to this Chapter shall comply with the following:

(1) The property shall be properly maintained and landscaped. Lawns or other ground cover shall be kept trimmed to a height of no greater than ten (10) inches. All hedges, bushes and shrubs shall be kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting condition or

factor that may depreciate the value of adjoining and nearby property, or which may impair the appearance of the neighborhood.

(2) No green waste, such as yard waste, wood chips, leaves, brush and grass clippings shall be placed less than ten (10) feet from any property line. This section shall not apply to green waste placed at the curb for removal by the Town of Lagrange or by a private carter, provided that such placement is in accordance with any Town of LaGrange Highway Department requirements and schedule for removal. This section shall not prevent nor prohibit the maintenance of a compost site/area in a properly functioning manner, in an area no greater than 10 feet by 20 feet (200 square feet) and provided such compost site/area is not located within any front yard, side yard or rear yard setback.

(3) All properties subject to this Chapter shall be maintained so as to be free of nuisance, hazardous materials, debris, litter, garbage, refuse, unsanitary conditions and unsightly materials.

(4) Any firewood kept on any property or premises shall be neatly stacked and properly stored and kept free of rotted wood.

(5) The owner, managing agent or person in control of any multifamily dwelling, nonresidential building or mixed-use building or premises shall provide and maintain at all times one or more covered dumpsters, containers or enclosures of adequate size to temporarily store all nuisance, hazardous materials, debris, litter, garbage or other refuse or matter until it is properly removed from the premises. The site of such dumpster, container or enclosure shall be in a location approved by the Planning Board and landscaped or screened in accordance with the provisions of the Zoning Law of the Town of LaGrange.

(6) All dead, damaged or diseased trees or shrubs, or any portion thereof, which present any hazard to life or property shall be removed from the property.

(7) The property shall be maintained so as to prevent soil erosion and sedimentation.

(8) Walks and sidewalks shall be maintained in good condition and shall be repaired or replaced as necessary.

(9) Loose and overhanging objects which, by reason of their location above ground level, constitute a danger of falling on persons in the vicinity thereof shall be repaired or removed.

(10) Cracks, projections or obstructions on paths, walks, driveways, parking areas and other parts of the premises shall be repaired or removed.

(11) All holes, excavations, breaks, trenches, and digging left open shall be appropriately filled and repaired or replaced.

ARTICLE III: ENFORCEMENT

Section 181-5. Enforcement official. The Building Inspector is hereby designated to administer and to enforce this Chapter.

Section 181-6. Compliance orders.

A. The Building Inspector is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this Chapter. Upon finding that any such condition or activity exists, the Building Inspector shall issue a compliance order.

B. The Building Inspector shall cause the compliance order, or a copy thereof, to be served by at least one (1) of the following methods:

(1) personal service upon the owner, tenant, occupant, managing agent or person in control of the property or premises;

(2) mailing by registered or certified mail to the owner, tenant, occupant, managing agent or person in control of the property or premises; or

(3) posting a copy of the compliance order upon the front portion of the property or upon the main structure and mailing a copy of such notice by certified or registered mail to the owner of the property as shown on the current assessment records of the Town.

C. The compliance order shall:

(1) be in writing;

(2) be dated and signed by the Building Inspector;

(3) specify the condition or activity that violates this Chapter;

(4) specify the provision or provisions of this Chapter which is/are violated by the specified condition or activity;

(5) specify that such violation must be corrected or abated within five (5) days of the date of service; and

(6) state the appropriate consequence for failure to correct or abate the condition or activity within the specified period of time, as set forth in section 181 - 7.

D. The date of service of a compliance order issued pursuant to this section shall be the date of personal service or the date of mailing, whichever is applicable.

Section 181-7. Compliance; Correction or removal by Town.

A. Any owner, tenant, occupant, managing agent or person in control of any property or premises which has been determined to be in violation of the requirements of this Chapter shall cure, abate, correct or remove such violation, when ordered to do so by the Building Inspector, within five (5) days of the service of written notice as provided in section 181- 6, above.

B. If the violation is not timely corrected or removed pursuant to the compliance order, the Town may cause the removal or correction. Said correction or removal may be performed by the Town of LaGrange or by its designee, or agent, including a private contractor. In carrying out such correction or removal, the Town may move any debris, litter, garbage or other refuse or matter to a different, screened location on the property so as to remove it from view, but will not remove it from the property.

C. The owner, occupant, tenant, managing agent or person in control of the property shall be responsible to reimburse the Town of LaGrange for the costs of the removal, abatement or correction of the violation. Such costs shall include the necessary and reasonable attorneys' fees incurred by the Town in prosecuting the violation. In the event of failure to reimburse the Town for such costs, the following shall apply:

(1) The Town may seek recovery of such costs by action venued in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorneys' fees expended by the Town in prosecuting such action.

(2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of costs incurred by the Town shall be remedied by charging such sums against the real property which is the subject of the violation, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Comptroller, to be applied in reimbursing the fund from which the costs were defrayed for the corrective or abatement action. Prior to charging such assessments, the owner(s) of the real property shall be provided written notice to their last known address of record by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than thirty (30) days after its mailing.

D. The removal or correction of any violation by the Town of LaGrange or its agents shall not operate to excuse such owner, tenant, occupant, managing agent or

person in control from properly maintaining the property or premises as required by this Chapter.

ARTICLE IV: MISCELLANEOUS PROVISIONS

Section 181-8. Emergencies.

Whenever the Building Inspector, at any stage of the proceedings instituted under the provisions of this Chapter finds that a violation exists which, in his or her opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of a building or the public, he or she may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as necessary to immediately remove or abate the hazard or danger. Such order may include an order to vacate. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

Section 181-9. Severability.

If any provision of this article is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

Section 2. This local law shall take effect upon filing with the Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of LaGrange that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York
June 22, 2011


CHRISTINE O'REILLY-RAO, Town Clerk

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Resolution of Adoption.doc

**Town of LaGrange Proclamation of
2011 Watershed Awareness Month**

WHEREAS: Water quantity and quality are basic ingredients to health and the quality of life in the Town of LaGrange and in Dutchess County, and many residents get their drinking water from private wells and rely on private septic systems; and

WHEREAS: Water exists in watersheds that extend beyond municipal boundaries and Dutchess County's municipalities are working together to protect water resources; and

Whereas: There is a need to educate all members of the community about how watersheds contribute to the health and quality of life in Dutchess County, the recreational activities they provide, and how daily actions of residents can affect the quantity and quality of water in the watershed; and

Whereas: Dutchess County has a new interactive website that provides information on all four of its major watersheds, and includes maps created with Dutchess County's new GIS data, called www.dutchesswatersheds.org; and

WHEREAS: The Dutchess County watershed groups have collaborated to organize over 40 events throughout the county that are mostly free and family-friendly to increase awareness of the need to protect water resources, with information on events being provided at www.dutchesswam.com; and

WHEREAS: Dutchess County is an innovator in organizing watershed groups.

NOW BE IT RESOLVED:

That the Town of LaGrange proudly proclaims the month of July 2011 as Watershed Awareness Month and encourages all municipal officials and citizens and visitors to participate in the scheduled activities to learn more about watersheds: how they contribute to health and the quality of life, the recreational activities they provide, and how daily actions can affect the quantity and quality of water in watersheds.

Signed on this 22 day of June 2011, by:

Supervisor: Jon J. Wagner **A YE**
Town Board Members: Gary E. Beck **A YE** Joseph J. Luna **A YE**
Edward P. Jessup **A YE** Gary Polhemus **A YE**

Attested to by Christine O'Reilly-Rao

Christine O'Reilly-Rao. Town Clerk

Date: 6/22/2011

RESOLUTION

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

WHEREAS, on May 11, 2011, the Town of LaGrange Town Board adopted Local Law #1 of 2011 to amend Section 240-29 "Nonconformity," Subsection (E) "Casualty" to allow for the Town Board to grant extensions of time property owners who are working to reconstruct and restore a nonconforming building or structure, or a building or structure containing a nonconforming use, which was damaged or destroyed by fire or other casualty; and

WHEREAS, by letter dated May 16, 2011, Frosted Man LLC, owner of land at 404-406 Manchester Road, has submitted a letter application pursuant to Local Law #1 of 2011 and Town of LaGrange Town Code §240-29(E); and

WHEREAS, the Town Board has reviewed the May 16, 2011 letter application of Frosted Man LLC and the Town of LaGrange Building Department file.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Frosted Man LLC has shown good cause, based upon the unique facts of the situation as outlined in the May 16, 2011 letter application, that extensions of time should be granted to complete restoration; and
2. Frosted Man LLC satisfies all criteria of Town of LaGrange Town Code §240-29(E)(1), (2) and (3); and
3. the letter application of Frosted Man LLC, requesting an extension of the time to restore a building or structure containing a nonconforming use damaged by fire or other casualty until October 23, 2011, is granted, subject to applicant's payment to the Town within 10 days of the sum of \$2,384.25 to reimburse the Town for the costs related to establishing the basis for granting this relief through legislation and administration by the Town.

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

Supervisor Wagner AYE

Councilman Luna AYE

Councilman Beck AYE

Councilman Jessup AYE

Councilman Polhemus AYE

DATED: LaGrangeville, New York
 June 22, 2011


CHRISTINE O'REILLY-RAO
TOWN CLERK

RESOLUTION

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

WHEREAS, currently pending in the Supreme Court, Dutchess County is an action involving tort entitled *MJW Consulting Inc. v. Town of Fishkill, Town of LaGrange, et.al* with assigned index #2008-7860; and

WHEREAS, the Town Board wishes to enter into a Stipulation to settle the aforesaid case and said Stipulation will be submitted to the Hon. Charles Wood to be so-ordered.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board approves and authorizes a settlement payment to MJW Consulting Inc. in the amount of \$35,840 as full and final settlement of the above referenced action; and

2. This settlement is for purposes of avoiding the time, delay and expense of further litigation. There is no acknowledgement, express or implied, by any party to the action concerning the merits of the underlying dispute.

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

Supervisor Wagner	<u>AYE</u>
Councilman Luna	<u>AYE</u>
Councilman Beck	<u>AYE</u>
Councilman Jessup	<u>AYE</u>
Councilman Polhemus	<u>AYE</u>

DATED: LaGrangeville, New York
June 22, 2011


CHRISTINE O'REILLY-RAO
TOWN CLERK