

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

**TOWN BOARD MEETING
September 28, 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, September 28, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:03 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes for September 14, 2011. Councilman Jessup moved to do so, seconded by Councilman Beck. The motion carried unanimously.

Supervisor Wagner asked for a motion to approve the minutes for September 21, 2011. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Eagle Scouts, Sean Mac Isaac and Raymond Aldrich were present to give a presentation on a proposed Eagle Scout Project, "Popsicle Trail", which will be located off of Sleight Plass Road. Both Scouts belong to Troop 182, which meets at the LaGrange Presbyterian Church. The trail would be adjacent to the Wappingers Creek Greenway Trail, but will not connect to it. It will encompass 11 wooded acres of Town property, bounded by the Wappinger Creek on two sides. The trail will provide an area for dog walking, hiking, fishing, painting and picnicking. It will be open from dawn to dusk.

The properties near the trail will not be adversely affected by the trail. The Boy Scout Council has already approved the project which will be utilizing about 20-25 volunteers. Brush will be cleared and garbage recycled with careful attention to the ecosystem.

The Scouts are seeking Town Board approval to begin the project. Mr. Wagner asked from comments from the audience.

Christian Rohrbach, a member of the Town's Conservation advisory Committee, addressed the Board. He stated that he felt uniquely qualified to speak about this project since he has had several thousand feet of the Greenway Trail running through his property for the past 10 years. He feels that the new trail will be an asset to the Town and strongly urged the Board to support the project. The full text of his comments can be found in the addendum.

Mr. Wagner added that volunteers will be insured through the Town and that the Scouts would be providing proof of insurance as well. In addition, both the Highway Department and Recreation Department will help maintain the trail.

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

Supervisor's Report

Supervisor Wagner stated that the Tentative Budget will be filed with Clerk by the September 30th deadline. A special meeting will be held on October 5th for the Clerk to present the budget to the Town Board. Final numbers are needed to consider bond consolidation. There is a potential for some major cuts in services and also the potential layoffs of two full time and two part time positions. The budget review process may show opportunities to avoid layoffs. He added that when utilizing the formula for the Tax Cap, the cap is actually 4% rather than 2%, after taking the growth factor and exemption for retirement into account.

Mr. Wagner stated that next year the Town will need to purchase a lift and tire changing equipment for the Highway Department.

The new Property Maintenance Code is being actively utilized. All work needs to be completed so that the property owners can be billed in a timely manner. After billing and notification, the unpaid fees can be re-levied onto the tax roll, which means that Town taxpayers are not paying for the work.

Mr. Wagner asked that a letter from a Town Manager in Maine be made part of the record. (SEE ADDENDUM)

Correspondence

Information from Time Warner Cable will be on file in the Clerk's office for one week.

Agenda Items

Mr. Wagner introduced a resolution for the Harvest Ridge Subdivision Supplemental Agreement - Performance Bond. (SEE ADDENDUM)

Ms. Livigni stated that none of the agreed upon work, including the vegetative buffer, has been completed in the subdivision. The agreement expired on September 15th. She added that Clark Patterson Lee went to the site and documented the work in order to estimate the bond amount.

A brief discussion ensued.

Residents of Lakeview Town Homes, 129 Stringham Road, are requesting Board permission to hold a community garage sale on October 8th and 9th.

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

The Building Inspector is requesting Town Board's approval to accept a Soil Erosion Bond for 94 Ridgeline Drive; grid # 3400-6361-01-200564 in the amount of \$1,500.00

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

The Building Inspector is requesting Town Board's approval to release a Soil Erosion Bond for 31 Velie Road; grid # 6560-01-137642 in the amount of \$1,500.00

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

Committee Reports

Water and Sewer

No report

Recreation

No report

Open Space

No report

Highway

No report

Town Attorney

No comments

Administrator of Public Works

No comments

Town Board Comments

No comments

Public Comment

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

There were no comments.

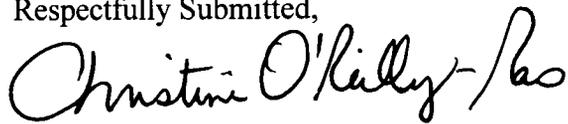
Councilman Beck moved to close the Public Comment, seconded by Councilman Jessup. The motion was carried by all.

Supervisor Wagner asked for a motion to adjourn the meeting.

Councilman Beck so moved, seconded by Councilman Jessup. The motion carried.

The meeting adjourned at 7:32 p.m.

Respectfully Submitted,

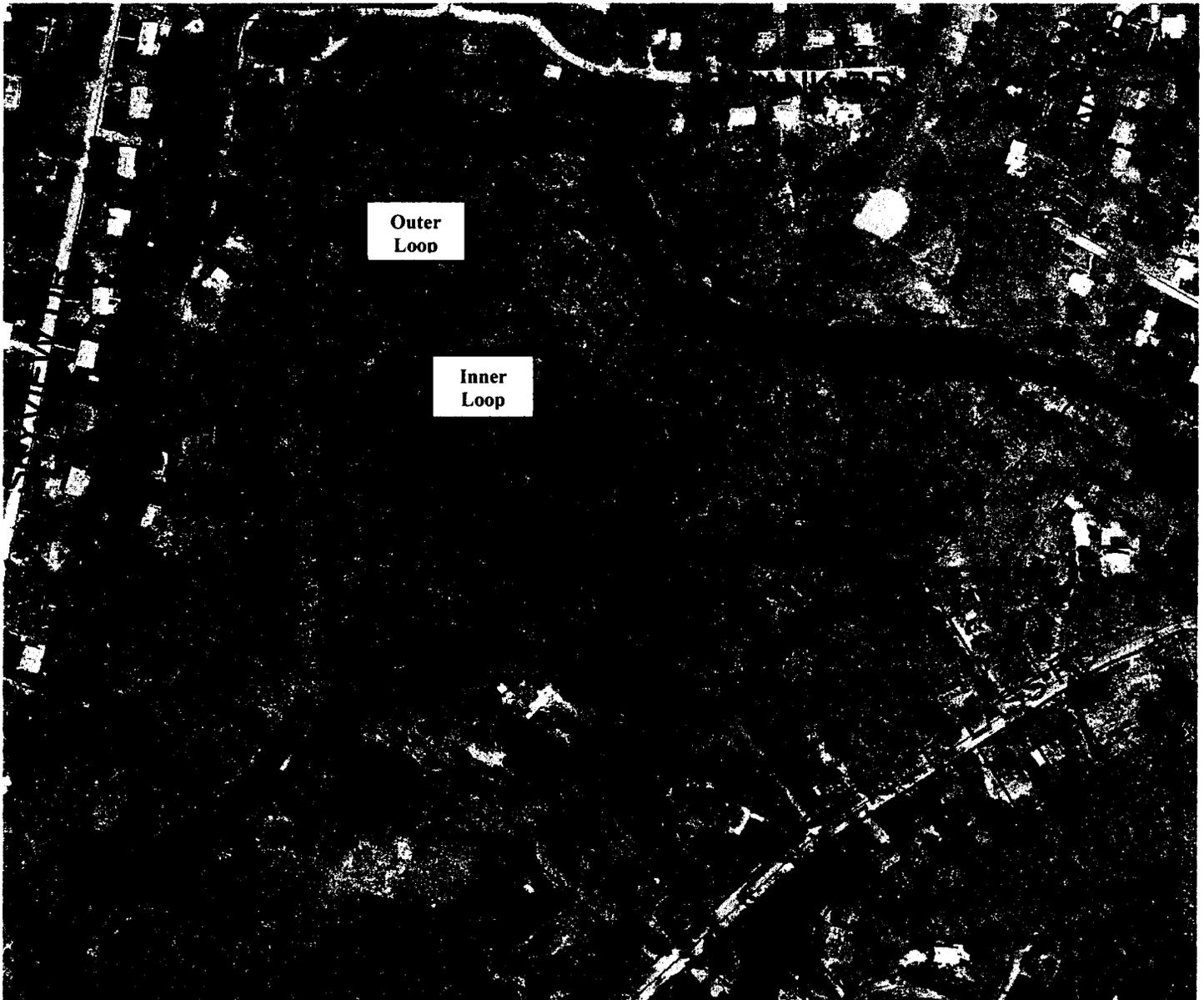


Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Popsicle Trail Map and Proposal
- Letter from Christian Rohrbach (Popsicle Trail)
- Town Manager Letter: Dave Pearson
- Resolution: Harvest Ridge Subdivision Supplemental Agreement / Performance Bond

“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)

September 21, 2011

Eagle Scout Project: “Popsicle Trail”, LaGrange

INTRODUCTION

Walk-in entrance: 119 Sleight-Plass Dr., the Town of LaGrange owns an empty but beautifully wooded 11 acre lot bounded by the Wappinger Creek on 2 sides. It is a great location for a walking trail.

OBJECTIVE

Add 6000 ft extension to existing “Wappinger Creek Greenway Trail” on Sleight-Plass Drive.only need to clear 4100 ft.

TRAIL CLEARING START DATE:

Fall 2011...when the leaves are down

TRAIL OPENS TO PUBLIC:

Late 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)

**Raymond Aldrich
Sean MacIsaac
Eagle Scout Project
Troop 182, LaGrange**

September 21, 2011

Christian Rohrbach
191 Overlook Road
Poughkeepsie NY 12603

Town Board
Town of LaGrange

Subject: Letter of Support for Greenway Trail Extension

Thank you for the opportunity to speak to you. My name is Christian Rohrbach and I am a member of the Town of LaGrange Conservation Advisory Council. I live at 191 Overlook Road, at the corner of Overlook and Sleight Plass Roads where we own approximately 65 acres.

I am here tonight to express my support for the Popsicle Trail extension to the Wappinger Creek Greenway Trail.

For more than 10 years, we have had several thousand feet of the current Greenway Trail running through the easement we granted to the Town for that purpose. The trail was constructed by an Eagle Scout candidate in a similar manner to the project which was presented to you this evening. I can verify for you that the work was carried out in a responsible manner and was well planned and executed. I have every confidence that this new project will be done in a like way.

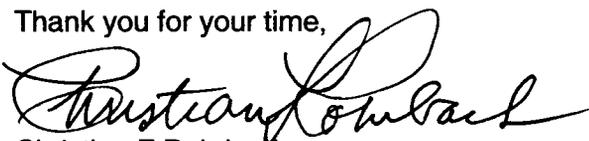
Trail maintenance has been done by the Town of LaGrange with the collaboration of interested community members, as well as members of the LaGrange Conservation Advisory Council. In particular, the Town Highway and Recreation Departments have been very proactive in assisting with flood cleanup efforts as well as supporting and arranging preventive and corrective measures for erosion of the creek bank.

Literally hundreds of people each year have enjoyed and benefited from continuing access to the trail and the creek. We often take our grandchildren for picnics or to fish near the creek and routinely meet people hiking on the trail. These trail users, with very few exceptions, have been respectful of the environment as well as our privacy and our rights as property owners.

Before the current trail was constructed, it was common for me to find evidence of trespassers along the creek. Bonfires, campfires, beer parties and other unsanctioned activity were frequent and, because it was hidden from view, difficult to curtail. Regular access by the general public has dramatically reduced this. Rolf Nijhuis has described a lean-to and other items that he found at the site of the proposed Popsicle Trail and I believe similar public access would also act as a deterrent there.

In summary, I believe that the trail extension, described to you this evening, will have many beneficial effects for the general public, local property owners and the Town of LaGrange. It is a very positive step and I strongly urge you to support it.

Thank you for your time,



Christian F Rohrbach

Town Manager's Report July 16, 2011

I spotted a story in the Bangor Daily News this Thursday about Muriel Smith, for 13 years the administrative assistant and town clerk for Columbia Falls, who resigned her job on Wednesday due to her feelings that, as a town employee, she was being constantly harassed and mistrusted. "Enough is enough...no matter what anyone in the town office does it is wrong in their [a group of 'concerned citizens'] estimation". These stories are popping up all over the State.

In Poland Town Manager Dana Lee, a long-time and highly respected manager, resigned abruptly because the new atmosphere of hypercriticism and mistrust had put him under too much stress and was destroying his health and family life. "You take a lot of undue criticism" Dana said, "Today, too many people, rightfully in some cases, are disappointed in government. It's cast a shadow over all of us. And it's hard to differentiate the good guys from the bad guys. So we all get a splash effect when they're angry."

In Southwest Harbor, Veazie, Sangerville, Wilton, Livermore Falls, Portage Lake, Milford, and numerous other towns in recent weeks, town officials have resigned as consequences of campaigns directed at them by individuals or groups. In Newburgh where the Clerk actually has been convicted of embezzling, the whole town office staff resigned *en masse* recently citing the public's presumption of guilt by association.

In Dexter, where I am being forced into early retirement, only three persons applied for my position. In Corinna, where Dalton Mullis is resigning on his own initiative (being also tired of divisive politics as he has told me) there were more applicants. I think the State is losing qualified people who have any interest in these jobs. I was asked last year to speak to the career day at the school about municipal careers and I declined. The real reason for my decision not to speak to the students was that I could not, with a straight face, advise them that a career in municipal government would be a good choice for them.

There has been a real shift in attitude by the public and I can't help but feel that good people are being lumped with the few actual public servants who act unethically and that there is a broader cultural attack that has been being waged by powerful interests. This week I also saw Ann Coulter speak on television and tell her audience that "all government workers are parasites". This kind of language evidently sells her books to somebody out there since she seems to be living quite comfortably. I wonder who will come to put out the fire in her comfortable home, or protect her expensive car from theft or provide her the roads to drive her car on if not some fire department parasites or police parasites or public works parasites?

Attitudes towards the schools are changing too. Teaching, once a respected profession, became looked down upon years back as low-paid jobs for losers that couldn't get real jobs in the private sector. Now that the private sector seems to have abandoned America for the sweat shops of Asia, teachers are seemingly demonized in a whole different way. Now their pay is too **high** and their pensions are a horrible threat to our economy, if you listen to the radio voices and the talking heads on the cable networks—or your neighbors these days.

Having worked in the public sector for a while I am probably overly sensitive to this change. Mentioning it will draw the inevitable charge of self-interest. In fact, it is hard to know how to behave in the cross-hairs these days. As I heard another person explain the conflicts: the public official who talks on a subject is criticized as trying to run things. If he is silent, he is stupid and has lost interest. If he is usually at the office, he needs to get out more. If he is out when you call, he isn't on the job. If he agrees with you he lacks originality. If he disagrees with you he is ignorant. If he seems too busy for casual talk his job has gone to his head, if he engages in casual talk it is perceived that he has nothing to do. If he can't give you an immediate answer he is incompetent. If he can give you an immediate answer, well, that's what he's paid for. If he has an opinion he is bull-headed. If he explains both the pros and cons then he is pussy-footing. If he's been on the

job a short time he lacks experience. If he's been on the job for a long time he lacks new ideas. If he's well-dressed than he must think he's a big shot. If he isn't well dressed then he's not a proper representative. If he is friendly then he is playing politics. If he appears to be aloof he needs to be trimmed down to size.

In truth, public officials are only human and most that I know are very good humans. Generalizations drawn from a few examples are a trap that we ought to not fall into. The great thing about America is that the government is US. We are our own sovereigns and our public officials come from among US, warts and all. We will be sorry if we drive good people from this field, expecting a class of mandarins to appear to govern us as their inferiors.

Respectfully Submitted,

Dave Pearson

RESOLUTION

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

WHEREAS, Nesheiwat Estates, Inc. ("Developer") is the owner of lands located at Noxon Road in the Town which comprise a residential subdivision known as the Harvest Ridge Subdivision ("Project"); and

WHEREAS, the Project received a resolution of the Town's Planning Board granting conditional final approval on April 20, 2010; and

WHEREAS, on April 20, 2011, the Town and the Developer entered into a Supplemental Agreement concerning performance of improvements at the subdivision, including performance bonding of such improvements as were scheduled on Attachment A to the Agreement; and

WHEREAS, the Supplemental Agreement provided for performance bonding of uncompleted improvements by September 15, 2011, and the Town Board has not received a performance bond as of this date; and

WHEREAS, the Town is in receipt of a performance bond computation document from the engineer to the Town based on the state of completion of the improvements scheduled within the Supplemental Agreement as of September 15, 2011; and

WHEREAS, the aforesaid engineer's computation for the amount of performance bonding due as of September 15th is stated to be \$1,384,131.00; and

WHEREAS, the amount of the performance bonding under the Supplemental Agreement due as of filing of the plat for the subdivision or by March 1, 2012 is separately reported by the Town's engineer to be \$146,949.00; and

WHEREAS, the Supplemental Agreement also provided that by June 1, the Developer would make and complete accelerated landscaping improvements, and those landscaping improvements which were installed have not survived in significant measure.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board approves and fixes the performance bond obligation of the Developer as of September 15, 2011 under the Supplemental Agreement to be the sum of \$1,384,131.00 in reliance upon the report and recommendation of the engineer to the Town.

2. The Town finds the Developer to be in non-compliance with the Supplemental Agreement for want of filing of performance bonding in this sum as of September 15th, and extends to the Developer the opportunity to file a performance bond in that amount, in a form and with collateral acceptable to the Town and consistent with local law, by October 6, 2011, absent which the Town's administrators are authorized to issue a stop

work order relative to further work at the project pending the providing of performance security.

3. The Town Board finds the Developer to be in default of its obligations under the Supplemental Agreement relative to the aforesaid landscape planting, and the Town Board extends to the Project the opportunity to remedy such work in a form acceptable to the Town's administrators no later than October 6, 2011.

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

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

DATED: LaGrangeville, New York

September 28, 2010


CHRISTINE O'REILLY-RAO, TOWN CLERK