

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

**TOWN BOARD MEETING  
December 7, 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:** Wanda Livigni, Administrator of Public Works

A special meeting of the Town Board was held on Wednesday, December 7, 2011 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 6:30 p.m.

Supervisor Wagner stated that the purpose of the meeting was to hold a Public Hearing on the proposed extension of the Frank Farm Phase III Stormwater District.

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

There was no comment from the public.

Councilman Luna moved to close the Public Hearing, seconded by Councilman Beck. The motion carried.

Councilman Jessup moved to accept the Negative Declaration for the Extension of the Frank Farm Phase III Stormwater District, seconded by Councilman Luna. The motion was carried by all. (SEE ADDENDUM)

Councilman Jessup moved to accept the Short Environmental Assessment Form for the Extension of the Frank Farm Phase III Stormwater District, seconded by Councilman Beck. The motion was carried by all. (SEE ADDENDUM)

Councilman Polhemus moved to adopt the resolution for the extension of the Frank Farm Phase III Stormwater District, seconded by Councilman Luna. The motion carried. (SEE ADDENDUM)

Supervisor Wagner asked for a motion to set a Public Hearing for the Fact-Finder's Report and Recommendations for a Collective Bargaining Agreement with the Civil Service Employees Association for Town Highway and Recreation Unit.

Councilman Luna moved to set the Public Hearing for December 28, 2011 at 7:00 p.m., seconded by Councilman Beck. The motion carried unanimously. (SEE ADDENDUM)

Supervisor Wagner asked for a motion to establish an escrow account for Vail Road Properties, in the amount of \$1,000.00. Ms. Livigni recommended this in order to have input from Stormwater Management Consultants and the Town attorney.

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

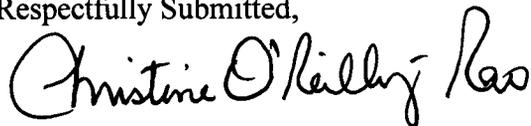
Supervisor Wagner asked for a motion to advertise for the submission of bids for a Franchise Agreement to operate the Transfer Station. The contract would be in effect for a two year period. The bids would be accepted until December 20, 2011 at 12 noon and opened immediately afterward.

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

Councilman Jessup moved to set a Public Hearing for December 28, 2011 at 7:00 p.m. in relation to the Bids for a Franchise Agreement to operate the Transfer Station and to subsequently award the agreement to the lowest bidder. Councilman Beck seconded the motion, which carried unanimously. (SEE ADDENDUM)

Councilman Jessup moved to adjourn the meeting, seconded by Councilman Luna. The motion was carried by all. The meeting adjourned at 6:40 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao  
Town Clerk

## ADDENDUM

- Affidavit of Publication: Frank Farm Phase III; Expansion of Stormwater District
- Affidavit of Posting: Frank Farm Phase III; Expansion of Stormwater District
- Petition: Frank Farm Phase III; Expansion of Stormwater District
- Negative Declaration: Frank Farm Phase III; Expansion of Stormwater District
- Short EAF: Frank Farm Phase III; Expansion of Stormwater District
- Resolution: Frank Farm Phase III; Expansion of Stormwater District
- Resolution: Setting a Public Hearing for the Fact-Finder's Report and Recommendations for a Collective Bargaining Agreement with the Civil Service Employees Association for the Town Highway and Recreation Unit
- Resolution: To Advertise for the Submission of Bids for a Franchise Agreement to Operate the Transfer Station and Setting a Public Hearing for Awarding the Agreement

# 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 23rd.  
day of Nov. 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.

*Rita Lombardi*  
Subscribed and sworn to before me this 28th day  
of November in the year of 2011.

*Rose Ann Simpson*  
\_\_\_\_\_  
Notary Public

My commission expires 1/4/2014

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

district and the current  
and prior district exten-  
sions; and  
WHEREAS, as set forth  
within the Map and  
Plan which is on file  
with the Town Clerk,  
the estimated amount  
anticipated to be ex-  
pended annually by the  
drainage district for the  
operation and mainte-  
nance of consolidated  
district facilities ("con-  
solidated facilities") of  
the initial stormwater  
district, the current ex-  
tension, and all prior  
extensions, is  
\$20,800.00 per year, and  
the annual benefit as-  
sessment cost to the  
typical property for the  
consolidated facilities,  
which will be a one-  
family home, shall ini-  
tially approximate  
\$260.00 per year based  
on that anticipated an-  
nual budget of  
\$20,800.00 spread over  
the properties within  
the consolidated initial  
stormwater district and  
its current and prior ex-  
tensions having a total  
of 80 benefit units; and  
ORDERED, this Board  
will hold a public hear-  
ing to consider the  
adoption of the petition  
and relevant matters on  
December 7, 2011, at  
8:30 a.m., at the Town  
Hall, Town of LaGrange,  
County of Dutchess,  
New York. All persons  
interested in this mat-  
ter shall be heard, and  
it is further  
ORDERED, that the  
Town Clerk of the Town  
of LaGrange is hereby  
authorized and directed  
to publish a certified  
copy of this order in the  
official paper, the first  
publication thereof to  
be not less than ten nor  
more than twenty days  
before the day set for  
the hearing, and to post  
a copy of same on the  
sign-board of the Town  
of LaGrange, in the  
same time and manner,  
as required by Town  
Law § 193.  
Supervisor Wagner AYE  
Councilman Luna AYE  
Councilman Beck AYE  
Councilman Jessup AYE  
Councilman Polhemus  
AYE  
Dated LaGrangeville,  
New York  
November 9, 2011  
CHRISTINE O'REILLY-RAO, TOWN CLERK  
0263

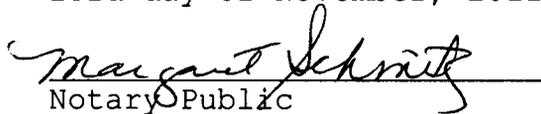
**ORDER BY TOWN BOARD FOR REVISION OF THE EXTENSION OF THE FRANK FARM STORMWATER DISTRICT**  
WHEREAS, the relevant property owner, Henry G. Page Jr., Development Ltd., petitions for the extension of a stormwater (i.e. drainage) district in relation to Phase 3 of the Frank Farm Subdivision pursuant to Article 12 of the Town Law; and  
WHEREAS, the proposed district extension area is described and bounded to include the portion of the real property tax parcel number 133400-6361-03-347302 which comprises Phase III of the Frank Farm Subdivision, and the district extension area is illustrated within the map attached as Exhibit A to the Map and Plan prepared by Clark Peterson Lee and on file with the Town Clerk, and the extension has the effect of adding the extension area to the pre-existing stormwater district and its extensions; and  
WHEREAS, the proposed improvements consist of items specified in the Map and Plan referenced above, and the improvements shall be made by the owner as developer; and  
WHEREAS, the maximum capital amount to be expended for the drainage district extension, since the date of the improvements, shall be borne by the developer, and said capital improvements are proposed to be dedicated to the proposed district of drainage district comprising the initial

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF DUTCHESS        )

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 23rd day of November, 2011, I duly caused a copy of the attached Order by the Town Board for Hearing on the Extension of the Frank Farm Stormwater District to be conspicuously posted on the sign-board maintained pursuant to Town Law section 30(6) located at the entrance of Town Hall, 120 Stringham Road, LaGrangeville, New York.

  
Christine O'Reilly-Rao, Town Clerk

Sworn to before me this  
23rd day of November, 2011

  
Notary Public

**MARGARET SCHMITZ**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01SC6220139**  
**Qualified in Dutchess County**  
**My Commission Expires April 12, 2014**

PETITION FOR THE EXTENSION OF THE FRANK FARM  
STORMWATER (DRAINAGE) MAINTENANCE DISTRICT

TO THE TOWN BOARD OF THE TOWN OF LAGRANGE, COUNTY OF DUTCHESS,  
STATE OF NEW YORK.

We, the undersigned owners of taxable real property situated in the proposed district described below, are the owners in the aggregate of at least one-half of the assessed valuation of all the taxable real property in the proposed drainage district extension area comprising Phase 3 of the Frank Farm Subdivision, as shown upon the latest completed assessment roll of the Town of LaGrange, and/or the resident owners of the taxable real property aggregating at least one-half of all the taxable real property of the proposed district owned by resident owners, according to the latest completed assessment roll of the Town, hereby petition as follows:

1. Petitioner proposes, pursuant to Article 12 of the Town Law of the State of New York that the Town Board of the Town of LaGrange extend the Frank Farm Stormwater District, a drainage district previously established pursuant to Article 12 of the Town Law, to cover the portion of the real property tax parcel number 133400-6361-03-347387 which comprises Phase 3 of the Frank Farm Subdivision, i.e. all of the parcels of the "Frank Farm Subdivision, Phase 3" approved by the Town of LaGrange Planning Board.

2. The territory of the proposed drainage district is located wholly in the Town of LaGrange, County of Dutchess, and State of New York, and is outside of any city or incorporated village.

3. Herein incorporated is a general map and plan of such proposed extended drainage district, as prepared by a competent and licensed engineer, Clark Patterson Lee on November 9, 2011, including a general description of all the drainage improvements to be established at no cost to the Town of LaGrange and at the cost of the aforesaid developer.

4. The maximum amount to be expended by the drainage district for the construction and acquisition of the improvements is \$0.

5. The petitioner acknowledges and agrees that the drainage district extension's estimated annual expenses for the operation, maintenance and repair of the public drainage improvements shall be a special benefit share of \$20,800.00 annually, consistent with the formula of one benefit unit per each subdivision lot, as set forth in the map and plan, and that benefit to the subject property arises upon the formation of this district extension to include the property.

6. This petition is irrevocable, shall run with the land, and shall bind the petitioner's heirs, successors and assigns.

WHEREFORE, petitioner requests that the Town Board of the Town of LaGrange establish the drainage district extension hereinabove proposed and described and that a public hearing thereon be held according to law.

Dated: \_\_\_\_\_, 2011

HENRY G. PAGE JR.,  
DEVELOPMENT LTD.

By: \_\_\_\_\_

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 \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

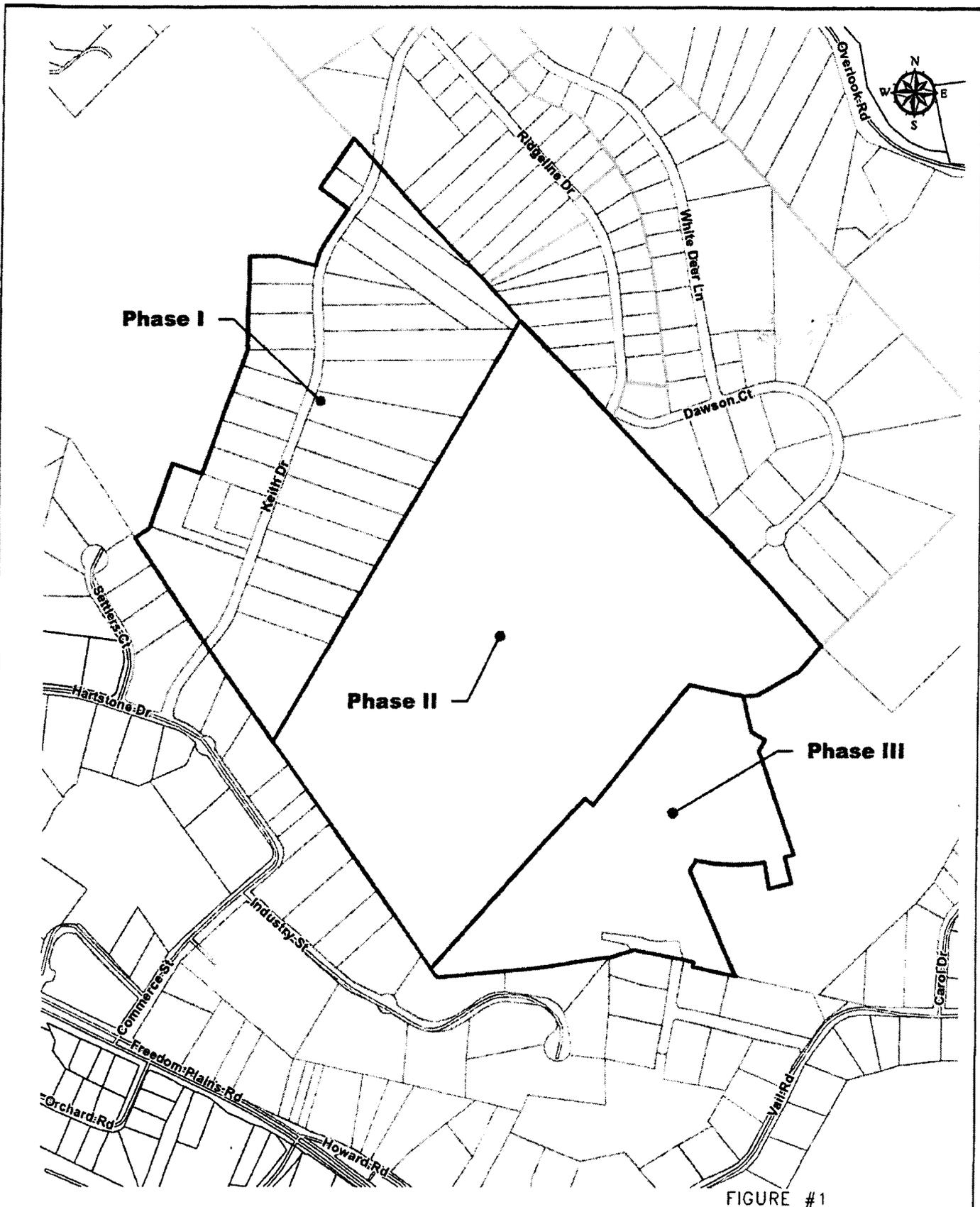


FIGURE #1



**Clark Patterson Lee**  
DESIGN PROFESSIONALS

500 CORPORATE BULEVARD  
NEWURGH, NEW YORK 12557  
(845) 567-6700  
www.clarkpatterson.com

DATE: 11/07/11
DRAWN: JWS
CHECKED: GWB
SCALE: 1" = 600'
PROJ. #.11278.07

**FRANK FARM PHASES I-III**  
**STORMWATER MAINTENANCE DISTRICT**

LoGrange, New York

TOWN OF LAGRANGE TOWN BOARD  
EXTENSION OF THE FRANK FARM STORMWATER  
DISTRICT AFTER PUBLIC HEARING

NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town of LaGrange Town Board received a petition from the relevant property owner, Henry G. Page Jr., Development Ltd., accompanied by a map and plan, for the extension of the Frank Farm Stormwater Maintenance District.

WHEREAS, the Town of LaGrange Town Board proposes to extend the Frank Farm Stormwater Maintenance District to include Phase 3 of the Frank Farm Subdivision; 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) and that the action need not be subject to optional coordinated review by all involved agencies; 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 6 NYCRR 617 and has determined that no significant adverse impacts associated with the proposed action

have been identified. The Board offers the following information supporting and substantiating this determination:

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.

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.

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 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.

5. The action will not create a hazard to human health.

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.

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.

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.

BE IT FURTHER RESOLVED THAT the Town of LaGrange Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act.

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

This Negative Declaration is adopted this 7<sup>th</sup> day of December, 2011 and is ordered into the record of the Town of LaGrange Town Board with respect to the extension of the Frank Farm Stormwater District to include Phase 3 of the Frank Farm Subdivision.

  
CHRISTINE O'REILLY-RAO  
TOWN CLERK

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

PROJECT I.D. NUMBER

SEQR

**617.20**  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART 1-PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT/SPONSOR  <b>TOWN OF LAGRANGE TOWN BOARD</b></p>	<p>2. PROJECT NAME  <b>FRANK FARM SUBD. – PHASE 3. Ext of Stormwater District</b></p>
<p>3. PROJECT LOCATION:  Municipality <b>TOWN OF LAGRANGE</b> County <b>DUTCHESS</b></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)</p> <p><b>Phase 3 of the Frank Farm Subdivision</b></p>	
<p>5. IS PROPOSED ACTION:  <input type="checkbox"/> New      <input checked="" type="checkbox"/> Expansion      <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY:  <b>Extension of the Frank Farm Stormwater (i.e. Drainage) Maintenance District to cover the required maintenance of stormwater facilities for Phase 3 of the Subdivision. The District currently includes Phases 1 and 2 of the Frank Farm Subdivision.</b></p>	
<p>7. AMOUNT OF LAND AFFECTED:  Initially <b>26.5</b> acres Ultimately <b>26.5</b> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING AND OTHER EXISTING LAND USE RESTRICTIONS?  <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No      If No, describe briefly</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  <input checked="" type="checkbox"/> Residential      <input type="checkbox"/> Industrial      <input type="checkbox"/> Commercial      <input type="checkbox"/> Agricultural      <input type="checkbox"/> Park/Forest/Open space      <input type="checkbox"/> Other  Describe:</p>	
<p>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) and permit/approvals</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No  If yes, list agency name and permit/approval: <b>Conditional final subdivision approval from the Town of LaGrange Planning Board.</b></p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <b>Town of LaGrange Town Board</b> Date: <b>December 7, 2011</b></p>	
<p>Signature: _____</p>	

**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

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A.</b>	DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PARTY 617.47 If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>B.</b>	WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>C.</b>	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 patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: NO.  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources: or community or neighborhood character. Explain briefly: NO.  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: NO.  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.  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO.  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO.  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO.
<b>D.</b>	WILL PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>E.</b>	IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 (1) 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 and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration. <input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
TOWN OF LAGRANGE TOWN BOARD	
Name of Lead Agency Jon J. Wagner <hr/> <small>Print or Type Name of Responsible Officer in Lead Agency</small>  <hr/> <small>Signature of Responsible Officer in Lead Agency</small>	Supervisor <hr/> <small>Title of Responsible Officer</small> <hr/> <small>Signature of Preparer (if different from responsible officer)</small>
Date December 7, 2011 <hr/> <small>Date</small>	

**RESOLUTION**

FOR THE EXTENSION OF THE FRANK FARM STORMWATER  
DISTRICT AFTER PUBLIC HEARING

WHEREAS, the Town Board received a petition from the relevant property owner, Henry G. Page Jr., Development Ltd., accompanied by a map and plan, pursuant to Section 192 of the Town Law, for the extension of a stormwater (i.e. drainage) district upon petition under Article 12 of the Town Law; and

WHEREAS, the Town Board, November 9, 2011, accepted the proposed map and plan of Clark Patterson Lee dated November 9, 2011 (hereinafter the "Map and Plan"), and directed the Town Clerk to publish and post a notice for public hearing on the extension of the Frank Farm Stormwater District in accordance with the applicable provisions of law; and

WHEREAS, the public hearing was duly held on December 7, 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of LaGrange, in the County of Dutchess, that it be and hereby is determined as follows:

- (1) That the petition is signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;
- (2) That all of the property and property owners within the proposed extension of the drainage district are benefited thereby.
- (3) That all of the property and property owners benefited

are included within the proposed extension of the drainage district.

(4) It is in the public interest to establish the proposed drainage district as hereinafter described, and

BE IT FURTHER RESOLVED AND DETERMINED, that the Town Board does hereby approve the extension of the Frank Farm Drainage District; that the improvements described in the Map and Plan be constructed and the service therein described be provided for upon the required funds being made available or provided for; and that the drainage district be bounded and described as set forth on the map forming a part of the Map and Plan filed with the Town Clerk, and which drainage district encompasses the property known as parcel number 133400-6361-03-347387 which comprises Phase III of the Frank Farm Subdivision.

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  
December 7, 2011

  
CHRISTINE O'REILLY-RAO, TOWN CLERK



RESOLUTION  
Setting a Public Hearing  
with Respect to the Fact-Finder's Report and Recommendations  
for a Collective Bargaining Agreement with the  
Civil Service Employees Association, Inc.  
for the Town of LaGrange Highway and Recreation Unit

WHEREAS, the Town of LaGrange and the Civil Service Employees Association, Inc. reached a tentative agreement on October 28, 2010 for a collective bargaining agreement for the period January 1, 2011 through December 31, 2011 for the bargaining unit consisting of employees in the highway department and recreation department; and,

WHEREAS, the Town of LaGrange unilaterally declared an impasse in negotiations after the bargaining unit failed to ratify the tentative agreement and requested that a mediator be appointed by the Public Employment Relations Board (PERB); and,

WHEREAS, the parties were unable to agree to a settlement on April 18, 2011 with the assistance of the Mediator, the Town submitted the impasse to PERB for fact-finding; and,

WHEREAS, a fact-finding hearing occurred on July 28, 2011, during which the Fact-Finder explored the open issues with the parties viewed in the context of the difficult fiscal realities facing public employment in New York State with all major revenue sources (e.g. sales tax, mortgage tax, and traffic fines) still below 2008 levels and with the State-imposed 2% cap on increases in the property tax levy.; and,

WHEREAS, the Fact-Finder's report and recommendations, which is attached to this resolution, were issued on November 7, 2011; and,

WHEREAS, in accordance with the Taylor Law, if one or both parties do not accept the fact-finding report in its entirety, then the next step is for the Town Board to conduct a public hearing at which the parties may explain their positions with respect to the Fact-Finder's report and recommendations and, thereafter, the Town Board may take such action as it deems to be in the public interest, including the interest of the employees involved; and,

WHEREAS, after the public hearing, the Town Board may choose to impose employment terms for the period January 1, 2011 to December 31, 2011 provided such imposition does not change the terms of an expired collective bargaining agreement, now, therefore be it

RESOLVED, that the Town Board hereby designates December 28, 2011 at 7:00 o'clock p.m. as the date and time for a public hearing at which Civil Service Employees Association, Inc. may explain its position with respect to the Fact-Finder's report and recommendations, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to the appropriate Town officials and representatives of Civil Service Employees Association, Inc.

Motion: Councilman Luna

Second: Councilman Beck

The following vote was taken:

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



Christine O'Reilly-Rao  
LaGrange Town Clerk

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

-----X  
In the Matter of Fact Finding

First Amended Report  
of Fact Finder

-between-

PERB Case No. M2010-241

Town of LaGrange

-and-

Civil Service Employees Association, Inc.

-----X

Appearances:

Town of LaGrange  
Michael A. Richardson, Consultant  
100 Kinderhook Street  
Chatham, NY 12037-1222

Also present

Jon Wagner, Town Supervisor  
Michael Kelly, Highway Superintendent  
Peter Huff, Recreation and Parks  
Christine Toussaint, Town Comptroller

CSEA

Bob O'Connor, Jr., LRS  
568 State Route 52  
Beacon, NY 12508

Also present

Brian Aldrich, Unit President  
Joe Tighe, Unit VP  
Douglas Russell, Unit Sec/Treas.

Richard M. Gaba, Esq., Fact Finder

Hearing Date: July 28, 2011

## **BACKGROUND**

CSEA and the Town of LaGrange (Town) have had a bargaining relationship for a number of years prior to 2006. The Collective Bargaining Agreement for the period January 1, 2006 to December 31, 2008 describes the bargaining unit as, "all of the Town's full-time employees employed in the Town's Highway Department, and all full-time non-management employees of the Town's Recreation Department". The 2006-2008 agreement provided for a health reimbursement account which was an offset to employee out of pocket medical costs where the Town would pay up to \$850 for family, \$545 for two in the family and \$275 for a single person. This was agreed to in exchange for the employees agreeing to a percentage increase contribution to insurance premiums instead of the previous flat dollar amount. This agreement included a \$700 snow plowing incentive, a vacation leave 40 hour buy out and wage increases of 4 % on January 1<sup>st</sup> of each year of the three year agreement.

The negotiations for a 2009 agreement resulted in the employees receiving 1 % wage increases effective respectively on July 1<sup>st</sup> and December 1, 2009. The health reimbursement account was deleted effective December 31, 2009 and the vacation buy out was suspended as of July 15, 2009 through December 31, 2010. Efforts to reach a 2010 agreement were unsuccessful and in that case there was a legislated imposition of an agreement.

The current agreement is the one that was imposed by the Town for the one year period from January 1, 2010 to December 31, 2010. During negotiations for an agreement to commence January 1, 2011, the parties reached a tentative agreement that

was rejected by the members of the bargaining unit. Following this rejection by the membership, the Town declared an impasse and requested PERB to appoint a mediator. A mediator was appointed on December 20, 2010. A mediation session was held on April 18, 2011, but the parties were unable to resolve their differences. The Town made a further request to PERB for the appointment of a fact-finder, and on May 20, 2011 I was appointed as fact-finder in this matter.

A fact-finding hearing was held at the Town Hall on July 28, 2011. After representatives of the parties made opening remarks, it was suggested that I engage the parties in further discussions in an effort to reach an agreement. Considerable time and energy was expended by both sides but no agreement was reached. No evidence was taken at the hearing and the parties agreed to submit written memorandums in support of their respective positions on the issues stated below. The submissions were voluminous and helpful in sorting out the huge divide between the Town and the CSEA.

## **THE TOWN'S PROPOSALS**

### **FOR 2011**

**WAGES:** The Town offered a zero increase for 2011, stating that it was necessary in order to avoid a reduction in forces. In the 2006-2008 agreement the employees received three annual increases of 4% on January 1 of each year and an additional 2 % in 2009 in two steps.

**MEDICAL INSURANCE:** The Town wanted to substitute a different insurance plan and requested that CSEA drop a pending grievance.

**SNOW PLOW INCENTIVE:** The Town wants to eliminate an existing incentive for snow plowing attendance. This provision in the 2006-2008 agreement provided for a \$700 bonus for responding to 90% of the full crew call-ins for snow removal for the period November 1 through April 15.

**PERSONAL LEAVE:** The Town offered to add one additional personal leave day, not to be accumulated.

**THE CSEA PROPOSALS  
FOR 2011**

During the unsuccessful mediation efforts that took place as part of the fact-finding exercise, the CSEA made a proposal consisting of the following:

**WAGES:** Reduce starting pay for new employees by \$2.00 per hour based on the current wage schedule. Grant all employees a \$1,000 bonus in 2011, and a 2% across the board increase for 2012.

**MEDICAL INSURANCE:** Keep the employee contribution at 12 % of the premium.

**TERM OF AGREEMENT:** Two years. (2011 and 2012)

**JOB SECURITY:** No layoffs for 2 ½ years

**LONGEVITY:** Increase the longevity payment by \$1 per hour.

The Town took the position that it is strapped for funds, and while it submitted no evidence of the income shortfalls it stated in its memorandum:

Mortgage tax revenue remains below what the Town received in 2008 - \$535,070. 2009 - \$465,634. 2010 – \$492,215, and tracking below YTD in 2010.

Sales tax revenue remains below what the Town received in 2008 - \$803,760. 2009 - \$740,277. 2010 - \$749,767, and tracking below YTD in 2010.

Between 2009 and 2011 the Town has experienced substantial increases in the cost of total compensation equal to several thousand dollars per employee due to increases in pension costs and increases in medical insurance premiums.

The pension rate increased from 6.3% in April 2009 to 16.3% in April 2011, and will be further increased in April 2012 to 18.9%. Based on an annual payroll expense per employee of \$55,000, including overtime, the increase in the pension rate of contribution has caused an additional cost going into 2012 of \$6,930 per employee compared with 2009.

The Town's share of medical insurance premiums for family coverage increased from \$9,359 in 2010, to \$10,738 in 2011. This cost is projected to be \$12,886 for 2012, an increase of \$3,527 going into 2012.

The Town claims that wages in this bargaining unit rank second or third compared to similar towns in Dutchess County, and that the current contribution rate of 12% is below the norm for comparable towns in Dutchess County.

The Town requests that the fact finder not recommend any wage increase or one time cash payment for 2011, since this would only encourage the members of the bargaining unit to continue rejecting agreements that have been negotiated by the Town in good faith.

## **DISCUSSION**

The Town's basic position is that it simply cannot afford the increases requested by CSEA. Considering a 2 % increase in property taxes, the \$7.4 million budget will be under funded by some \$60,000. The Town stated during the meeting that its sales tax revenues are likely to exceed estimations by some \$100,000 and concedes that it may be able to levy property tax increases in excess of 2% with the agreement of 60% of the Town Board. (3 out of 5). The CSEA submitted statements analyzing the Town's finances which indicated that the Town was on a sound financial footing and that its bonds were highly rated.

The last wage increases received by the unit members were 4% in each year of a three year agreement (2006 – 2008) and two 1 % increases split during the 2009 agreement. During negotiations for 2009, 2010 and 2011, the Town has sought substantial give backs in the area of increased contributions to medical insurance premiums, furloughs, and cutting out the \$700 snow plow bonus. It seems very unlikely that any recommendation by the fact finder that calls for a wage increase without substantial give backs would be acceptable to the Town. Similarly, it is not likely that a recommendation that carries a wage increase funded by give backs would satisfy the unit members or their union.

Recognizing the still dire state of the local economy, and recognizing the constantly increasing costs to the Town that continue to mount even without a change in the agreement, I recommend that the terms of the 2009 agreement as continued in 2010, be continued for 2011 with the following changes; that the salary schedule for employees

hired on or after December 31, 2011 be reduced by \$2 per hour and that all present employees in the bargaining unit receive a wage increase of 1 % effective January 1, 2011, an increase of 1% effective July 1, 2011 and an additional increase of 1 % effective December 31, 2011, and that the Town's proposals be denied.

Respectfully submitted:

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Richard M. Gaba, Esq.  
Fact Finder  
November 7, 2011

## RESOLUTION

Councilman Jessup, offered the following resolution, which was seconded by Councilman Beck.

WHEREAS, the Town of LaGrange will advertise, pursuant to New York General Municipal Law, for the submission of bids for the operation of the Trash and Recycling Center located at 130 Stringham Road in the Town of LaGrange, New York and such bids are to be submitted no later than 12:00 noon on December 20, 2011; and

WHEREAS, pursuant to Town Law Section 64(7), a public hearing is required before the Town Board may enter into a Franchise Agreement; and

RESOLVED, that a public hearing be held in relation to the proposed franchise agreement 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 December 28, 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 ten (10) 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 December 28, 2011 at 7 o'clock, p.m., regarding a proposed franchise to be granted for the operation of the transfer station located at 130 Stringham Road.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed franchise agreement as well as the identity of the successful bidder 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 **beginning Wednesday, December 21, 2011** between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.

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

DATED: LaGrangeville, New York  
December 7, 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	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York  
December 7, 2011

  
CHRISTINE O'REILLY-RAO  
TOWN CLERK

## **NOTICE TO BIDDERS**

The Town Board of the Town of LaGrange will receive sealed bids on the following until 12:00 noon prevailing time on December 20, 2011 at the LaGrange Town Hall, 120 Stringham Road, LaGrangeville, New York 12540.

Operation of the Trash and Recycling Center located on Stringham Road in the Town of LaGrange New York. The bidder of this two-year franchise agreement shall be the sole operator with no subcontracting for any of the trash or recycling removal. A bid instruction sheet and a bid specification sheet detailing the terms of this bid and the requirements that shall be submitted with the bid may be obtained from the Town Clerk located at the Town of LaGrange Town Hall, 120 Stringham Road, LaGrangeville, New York 12540. All bids offered shall comply with these terms.

All bids received pursuant to this notice will be publicly opened and read at the Town Hall of the Town of LaGrange on December 20, 2011 at 12:00 noon prevailing time.

The award of the franchise is subject to a public hearing before final approval of the Franchise Agreement by the Board. This public hearing will take place on December 28, 2011 at 7:00 p.m.

The Town of LaGrange reserves the right to reject any or all bids offered and to waive any formality or technicality in any bid that is in the Town's interest.

All bids must be accompanied by a certificate of non-collusion executed pursuant to section 103-d of the General Municipal Law. These certificates are available from the Town of LaGrange Town Clerk.

This notice is issued in the name of the Town of LaGrange, 120 Stringham Road, LaGrangeville, New York.

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

Dated: December 7, 2011