

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

**TOWN BOARD MEETING  
May 23, 2012**

**Present:** Deputy Supervisor Joseph Luna  
Councilman Edward Jessup  
Councilman Gary Polhemus

**Absent:** Supervisor Jon Wagner  
Councilman Andrew P. Dyal

**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, May 23, 2012, at the LaGrange Town Hall, 120 Stringham Road. The Deputy Supervisor called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Mr. Luna asked for a motion to accept the minutes for May 9, 2012. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

**Correspondence**

Information from Time Warner cable and Cablevision will be available in the Clerk's office for one week.

Mr. Luna informed the Board that the Town had received correspondence that Red Wing Properties, Inc. was withdrawing their application for a PDD in the northwest part of LaGrange.

**Agenda Items**

Mr. Luna stated that bids for Sanitary Sludge Hauling Services for the Titusville Sewer District and Noxon Knolls Sewer District had been solicited and received.

Mr. Luna asked for a motion to accept the bid from Residuals Management Services, LLC dba/ EARTHCARE.

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

Mr. Luna offered a resolution to approve a Traffic Safety Agreement with Gold's Gym. Councilman Jessup moved to adopt the resolution. The motion carried. (SEE ADDENDUM)

The Deputy Supervisor offered a resolution for funding a Map Plan and Report for the proposed Romca Road Water District. He stated that this was a response to an emergency situation for the homeowners in that neighborhood since their water is contaminated. The resolution could not be put to a vote since there were only three council members present, which did not constitute a super majority.

Mr. Luna asked for a motion to approve the transfer of funds for the Highway Department in the amount of \$10,000 for brush contractual. There is an abundance of brush at the transfer station due to the October snowstorm. (SEE ADDENDUM)

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

Mr. Luna asked for a motion to approve a list of budget transfers and adjustments. He added that some of these transfers and adjustments are due to the Town's consolidation of borrowed monies at a lower interest rate. (SEE ADDENDUM)

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

Deputy Supervisor Luna asked for a motion to permit use of the field adjacent to the Town Hall by the Knights of Columbus for their annual Carnival. The carnival is scheduled for Wednesday June 27<sup>th</sup> through Saturday, June 30<sup>th</sup>.

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

Deputy Supervisor Luna asked for a motion to waive the permit fee of \$300 for the installation of additional outlets for the Knights of Columbus at the Grange Hall, 20 Dr. Fink Road. He noted that not for profit organizations are typically granted a waiver of these types of fees.

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

Deputy Supervisor Luna asked for a motion to establish an escrow account for the Arlington School District in the amount of \$5,000. The School District has requested the Town's assistance in connecting Noxon Road Elementary School to the Town of LaGrange's Water Improvement Area.

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

Mr. Luna asked for a motion to approve a Performance Bond reduction for Frank Farm Subdivision- Phase 3. The amount would be 75% of the original bond or \$73,405.  
(SEE ADDENDUM)

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

Mr. Luna asked for a motion to approve a Performance Bond reduction for Sleight Farm Subdivision- Phase 4. The amount would be 60% of the original bond or \$268, 504.  
(SEE ADDENDUM)

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

Mr. Luna asked for a motion to approve Code Enforcement Officer, Domenic Benedetti's request to attend the mandatory Basic Training Courses given by NYS Division of Code Enforcement, as required by the New York State. These classes will run three days a month from June through November. There is no cost to the Town.

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

Mr. Luna asked for a motion to approve the Assessor's request to attend a NYSAA/Certiorari Preparation course on June 15, 2012 in Fishkill. The cost of the course is \$95.00.

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

Mr. Luna asked for a motion to approve a request from the CAC Chairman, Maung Htoo, to attend the NYS Department of Environmental Conservation Board of Directors meeting on June 3, 2012 and the NYS Department of Environmental Conservation Annual meeting on June 4, 2012. Both meetings are in Albany, NY. The cost to the Town is approximately \$194.64.

Mr. Luna noted that Mr. Htoo had paid for these conferences last year out of his own pocket, since he did not have any money in his budget line allocated for them.

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

## **Committee Reports**

### **Water and Sewer**

No Report

## **Recreation**

Mr. Polhemus stated that Community Day is June 9, 2012.

## **Open Space**

Mr. Jessup stated that the closing for Sleight Farm will probably be sometime in July. Dutchess Land Conservancy has received a grant for \$30,000 for the property.

## **Highway**

No report

## **Town Attorney**

Mr. Blass stated that he had a resolution authorizing the commencement of enforcement actions against Richard Ryan Excavation, Inc. The matter had been discussed at the last meeting during executive session, but no Town Board action had been taken.

Councilman Jessup made a motion to approve the resolution, seconded by Councilman Polhemus. The motion carried. (SEE ADDENDUM)

## **Town Board Comment**

No comments

## **Public Comment**

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

Daniel Tottoni addressed the Board. Mr. Tottoni asked about the transfer of funds for the Highway Department.

Mr. Luna explained that budget lines sometimes are under or overestimated. In this case, the brush from the October storm was much more than the estimated budget line for brush removal; therefore monies from another line, which had an excess, were to be transferred into the brush removal line.

Kathy Everline from the LaGrange library addressed the Board. She stated that E Books can be downloaded to all types of electronic devices.

Karen Mariani asked the Board if the other Councilman didn't show up would the Board be able to vote on the proposed Romca Road Water District.

Both Mr. Luna and Mr. Jessup replied that no vote could be taken without a super majority.

Kevin Marcelin asked about EARTHCARE.

Mr. Luna replied that the company pumps out sludge from sewer treatment plants.

A lady, who did not identify herself, addressed the board. She stated that this was the first Town Board meeting she had ever attended. She complimented the Board on their efforts to find grant monies for the Town. She thanked them and asked them to keep trying. The audience joined her in applauding the Board.

Dimitri Dolgov addressed the Board. He stated that he wanted to sincerely compliment Mr. Luna on his moustache.

Mr. Luna thanked him and added that his moustache was probably older than Mr. Dolgov's parents. He added that he had started growing it while on vacation in 1971.

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

Mr. Luna asked for a motion to adjourn the meeting.

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

The meeting adjourned at 7:30 p.m.

Councilman Dyal arrived at 7:38 pm

The Deputy Supervisor asked for a motion to reconvene the meeting in order to vote on the proposed Romca Road Water District.

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

The meeting was called to order at 7:40 pm. The following were present:

Deputy Supervisor Luna  
Councilman Jessup  
Councilman Polhemus  
Councilman Dyal  
Town Clerk O'Reilly-Rao  
Town Attorney, Ron Blass

Deputy Supervisor Luna introduced the resolution for the proposed Romca Road Water District. Councilman Jessup seconded the motion. (SEE ADDENDUM)

The following roll call vote was taken:

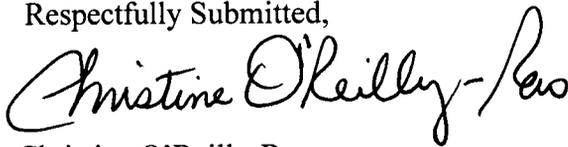
Councilman Luna        AYE  
Councilman Jessup      AYE  
Councilman Polhemus   AYE  
Councilman Dyal        AYE

The resolution passed unanimously.

Councilman Polhemus moved to close at 7:42 pm, seconded by Councilman Dyal. The motion carried unanimously.

The meeting was adjourned at 7:42 pm.

Respectfully Submitted,



Christine O'Reilly-Rao  
Town Clerk

#### ADDENDUM

- Resolution: Traffic Safety Agreement with Gold's Gym
- Memo: Highway Department Fund Transfer
- Budget Transfers and Amendments Listing
- Performance Bond Reduction for Frank Farm Subdivision – Phase 3
- Performance Bond Reduction for Sleight Farm Subdivision- Phase 4
- Resolution: Richard Ryan Excavation, Inc
- Resolution: Romca Road Water District
- Certification of Publication and Posting: Romca Road Water District
- Notice of Adoption of Resolution: Romca Road Water District
- Affidavit of Newspaper Publication: Romca Road Water District

**RESOLUTION**

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

WHEREAS, TITUSVILLE PROPERTIES, LLC and THE NET ATHLETICS LLC ("Owner") are the owners of certain improved real property located at 258 Titusville Road in the Town of LaGrange (hereinafter the "Property"); and

WHEREAS, the Town has heretofore negotiated, and the Town Supervisor has heretofore signed, a Traffic Safety Agreement with the Owners, and dated May 16, 2011; and

WHEREAS, the parties have agreed to enter into an Amended Traffic Safety Agreement, attached hereto as Exhibit "A"; and

WHEREAS, the Town Board wishes to approve and ratify this Amended Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves and ratifies the Deputy Supervisor's signature of the annexed Amended Traffic Safety Agreement.

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

Supervisor Wagner	ABSENT
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	ABSENT

DATED: LaGrangeville, New York  
May 23, 2011

  
\_\_\_\_\_  
CHRISTINE O'REILLY-RAO, Town Clerk

**AMENDED TRAFFIC SAFETY AGREEMENT**

AMENDED AGREEMENT, dated May 18, 2012, between the TOWN OF LAGRANGE, 120 Stringham Road, LaGrangeville, New York, 12540 ("Town") and TITUSVILLE PROPERTIES, LLC, 982 Main Street, Fishkill, New York, 12524 and THE NET ATHLETICS LLC, 258 Titusville Road, Poughkeepsie, New York, 12603 (collectively referred to as "Owner").

WHEREAS, the subject of this Amended Agreement is Owner's approximate 18 acre parcel of improved real property including a Gold' Gym fitness center and situated at 258 Titusville Road, Town of LaGrange, New York, and more particularly comprising LaGrange Tax Parcel No. 6260-04-997381 (the "Property"); and

WHEREAS, Owner desires to conduct a summer day camp operation at the existing Gold's Gym facility during the summer of 2012; and

WHEREAS, on May 16, 2011, the parties entered into a "Traffic Safety Agreement" to mitigate traffic impacts in connection with an application by Owner to the Town's Planning board for special permit and related approvals to establish a summer day camp at the Property; and

WHEREAS, in express and particular reliance upon the "Traffic Safety Agreement", the Planning Board issued to Owner,

on May 31, 2012, a conditional special permit and related approvals to establish a summer day camp at the Property; and

WHEREAS, the Planning Board approvals were conditioned, among other things, upon the Owner's performance of the obligations established within the Traffic Safety Agreement; and

WHEREAS, the Traffic Safety Agreement provided that:

"No later than May 15, 2012, the Owner shall complete ( after earlier making all necessary arrangements, agreements, and post all necessary security to either complete, or to defray the timely completion of) all improvements deemed warranted by the Dutchess County Department of Public Works to enhance to safety of existing Titusville Road in relation to the Property's use and occupancy, and it is understood and agreed by Owner that such improvements shall at a minimum include the construction of a turning lane."

WHEREAS, the Traffic Safety Agreement provided that in the event the subject safety improvements were not completed by May 15, 2012, the special permit for a summer day camp at the Property would expire without need for revocation by the Town; and

WHEREAS, the Owner has not, due to ongoing planning by and discussions with the County of Dutchess Department of Public Works concerning appropriate highway improvements, been able complete or to defray the completion of highway improvements deemed suitable by Dutchess County Department of Public Works to

enhance the safety of Titusville Road in relation to the Property's use and occupancy; and

WHEREAS, it is anticipated that the Owner will receive the necessary guidance and direction from DCDPW regarding the making of highway improvements to Titusville Road in time to undertake such improvements by November 15, 2012, but not in time to undertake such improvements prior to the 2012 second summer season of the day camp at the Property; and

WHEREAS, Owner is willing to repeat and to perform the interim traffic management measures identified in the Traffic Safety Agreement and carried out in 2011, in the event of extension by the Town to November 15, 2012 of Owner's obligation to complete the aforesaid highway improvements required by DCDPW; and

WHEREAS, Owner will apply to the Planning Board to reapprove, reinstate, and/or to modify Owner's special permit issued on May 31, 2011 to address the Owner's failure to have completed improvements by May 15, 2012; and

WHEREAS, Owner will consent to the terms of this Amended Traffic Safety Agreement to be an express condition of any reapproved, reinstated or modified special permit or related approvals; and

WHEREAS, it is intended that this Agreement will be presented to the Planning Board by the Owner as a binding

commitment to mitigation of traffic and transportation impacts which, the parties acknowledge and agree, have previously been noted by, and remain of concern to, the Department of Public Works of the County of Dutchess which is responsible for supervision and maintenance of Titusville Road which is a County highway.

NOW, for good and valuable consideration, the parties agree as follows:

1. The parties incorporate the representations and statements made in the aforesaid whereas paragraphs as express binding terms and conditions of this Amended Traffic Safety Agreement.

2. This Amended Agreement shall supersede any and all inconsistent terms of the Traffic Safety Agreement of May 16, 2011. The making of this Amended Agreement shall not be deemed to excuse any non-performance of the Traffic Safety Agreement by the Owner.

3. In the event that Owner receives authorization of the Planning Board to continue the summer day camp for the Property during 2012, Owner shall consent to continuation of the following interim and temporary management of traffic and safe access to the Property from Titusville Road: at a minimum between the hours of 7:00 a.m. and 9:00 a.m. and 3:30 p.m. and 5:30 p.m., access to and departures from the Property, or such

lesser intervals of time twice each week-day as shall be certified as to safety in writing by the Dutchess County Department of Public Works which intervals shall in no case be less than one (1) hour, shall be supervised and managed by Deputy Sheriffs of the Sheriff's Department of the County of Dutchess upon such terms and for such compensation as the Sheriff shall establish with the Town. All costs of providing of traffic and safety control of this type and by this personnel shall be borne by the Owner. This means of traffic and safety control shall be exclusive, and Owner shall not resort to private means or personnel, such as flagmen, for traffic and safety control in lieu of deputy sheriffs.

4. No later than November 15, 2012, the Owner shall complete (after earlier making all necessary arrangements, agreements, and post all necessary security to either complete, or to defray the timely completion of) all improvements deemed warranted by the Dutchess County Department of Public Works to enhance to safety of existing Titusville Road in relation to the Property's use and occupancy, and it is understood and agreed by Owner that such improvements shall at a minimum include the construction of a turning lane.

5. Owner consents to the following condition to any reapproval, reinstatement, or modification of special permit and related approvals by the Planning Board allowing a summer day

camp at the Property for 2012: That the special permit shall terminate, without the need for a revocation by the Town, in the event that either: (a) the County of Dutchess Department of Public Works does not by August 15, 2012, produce or accept and approve final plans for improvements of Titusville Road by the Owner or at the expense of the Owner, said improvements to include at a minimum the construction of a turning lane, or (b) Owner or Dutchess County at the expense of the Owner, as the case may be, fails to timely complete such improvements, or such improvements are otherwise not timely completed, by November 15, 2012. In the event of failure of either condition, any Planning Board special permit or related approval shall expire, without need for revocation by the Town, it being fully understood and agreed by Owner that the interim and temporary means of traffic control via deputies of the Dutchess County Sheriff, or similar measures short of improvements to Titusville Road, shall not be sufficient or adequate for summer day camp use of the property after Summer of 2012.

6. It is acknowledged and agreed by the parties to this Agreement that it does not bind the Town of LaGrange Planning Board, and the Planning Board is under no obligation to conclude that the transportation and traffic mitigation measures identified herein are adequate and acceptable for any

reapproval, reinstatement or modification of the 2011 special permit and related approvals.

7. In the event that the Owner breaches its obligation to forebear from operation of a summer day camp after Summer of 2012 in the absence of the DCDPW's providing of improvement plans by August 15, 2012, or the completion of the improvements to Titusville Road by November 15, 2012, the Town shall be entitled to injunctive relief to restrain Owner from conducting such continuing summer camp activities, Owner consents to the granting of such relief, and Owner stipulates and agrees to the Town's recovery of all reasonable and necessary attorneys' fees and court costs.

8. This constitutes the full and complete agreement between the parties, and it may not be modified except in writing signed by the parties hereto. This Amended Agreement shall run with the land, and either party may record this Amended Agreement with the Clerk of Dutchess County. This Amended Agreement shall bind all successors, assigns, grantees, tenants, licensees, agents, officers, employees, and/or agents of Owner.

**TOWN OF LAGRANGE**

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

\_\_\_\_\_  
[print name and title]

**TITUSVILLE PROPERTIES, LLC**

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

\_\_\_\_\_  
[print name and title]

**THE NET ATHLETICS LLC**

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

\_\_\_\_\_  
[print name and title]



# TOWN OF LAGRANGE HIGHWAY DEPARTMENT

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

**DATE:** May 14, 2012  
**TO:** The Town Board  
**FROM:** Michael Kelly  
**RE:** Transfer of Funds

Town Board:

I would like to request a Transfer of Funds in the amount of \$10,000.00 from account #5140.1 (brush personal services) to account #5140.4 (brush contractual).

This will be used to grind the brush pile.

If you have any questions or concerns, please contact me.

Thank you,

Michael Kelly,  
Highway Superintendent

**received**  
5/16/12

Cc: File

BUDGET AMENDMENTS 5-23-12

<u>General Fund</u>		
Inc. A2710 (Premiums on Obligations)	15,880.00	
Inc. A1380.4 (Fiscal Agents, Cont.)		10,880.00
Inc. A9710.6 (Serial Bonds, Princ.)		5,000.00
To allocate portion of premiums paid on new borrowings to pay fees and debt service		
Inc. A2620 (Forfeitures of Deposit)	12,041.77	
Inc. A7110.2 (Parks, Equip.)		12,041.77
For transfer from LPI of monies approved to pay for pump station and pipe and fittings for Overlook Park Sewer		
<u>Highway</u>		
Inc. DA599 (Appropriated Fund Balance)	9,000.00	
Inc. DA5140.4 (Brush, Cont.)		9,000.00
To cover cost of chipping debris from Hurricane Irene		

May 16, 2012

Mr. Jon Wagner, Supervisor  
and Members of the Town Board  
Town of Lagrange  
120 Stringham Road  
Lagrangeville, New York 12540

*Re: LaGrange/Frank Farm Subdivision – Phase 3  
Performance Bond Reduction  
Job # LG.159*

Dear Supervisor Wagner and Members of the Town Board:

The Developer for the above referenced subdivision has requested a reduction in the Performance Bond for the proposed roadway and related improvements.

On May 10, 2012, a site inspection of the proposed road and related improvements were conducted by Mike Kelly, Town Highway Superintendent, Wanda Livigni, Administrator of Public Works, a representative from the Developer's office and this office. Based upon our observations at said site inspection, it was noted that a significant portion of the work has been completed, and the remaining outstanding items to be completed are noted on the attached table.

As shown on the attached table, the estimated road and related improvements total \$41,433. This represents 14.1% of the original estimate of \$293,619. As per the Code of the Town of LaGrange, up to two (2) bond reductions are permitted. However, as per the Code of the Town of LaGrange, at no time shall the amount of the required performance bond held be less than 25% of the original bond estimate of \$293,619, or \$73,405. Therefore, no further bond reductions may be granted.

Based upon consultation with the Town Highway Superintendent, it is therefore recommended that the Town Board consider a 75% performance bond reduction of the original bond estimate established for the above referenced subdivision to \$73,405.

P.O. Box 202, LaGrangeville, New York 12540  
Phone 845-462-0022 • Fax 845-462-0033  
w.artus@verizon.net

At such time a Maintenance Bond is established, the Maintenance Bond shall be in the amount of 20% of the original bond estimate of \$293,619, or \$58,724.

Any questions regarding these matters may be directed to me. I may be contacted directly at 845-462-0022.

Sincerely,



Walter R. Artus, CPESC, CMS4S  
Principal

WRA/wra

cc: Alan Bell, Planning Board Chairman  
Wanda Livigni, Administrator of Public Works  
Christine O'Reilly-Rao, Town Clerk  
Mike Kelly, Town Highway Superintendent  
Ronald Blass, Jr., Van DeWater & Van DeWater, Town Attorney  
Greg Bolner, P.E., Clark Patterson Associates, Town Engineer  
Henry G. Page, Jr., Developer

Frank Farm Phase 3 Performance Bond Reduction  
5/16/2012

No.	Item Name	Qty.	Unit	Cost	Value
<b>FOR SUB-ROADWAY:</b>					
1	Clear & Grub - Road ROW	0	LF	\$4.00	\$0
2	Rough Grade	0	LF	\$8.00	\$0
3	Foundation Course	0	LF	\$8.00	\$0
<b>FOR SHOULDERS AND DITCHES RURAL ROADWAY (FIGURE 4):</b>					
1	Surface - asphalt conc. Binder course, 3-inch thickness	0	SY	\$8.00	\$0
2	Surface - asphalt conc. Wearing course, 2-inch thickness	1,992	SY	\$6.00	\$11,952
3	Asphalt curb	0	LF	\$3.50	\$0
<b>Storm Drain Pipe (HDPE):</b>					
1	18" Dia. HDPE	0	LF	\$27.00	\$0
2	24" Dia. HDPE	0	LF	\$36.00	\$0
<b>Sewer Pipe (PVC)</b>					
1	8" Dia. PVC (gravity main)	0	LF	\$50.00	\$0
2	4" Dia. Force Main	0	LF	\$40.00	\$0
<b>Misc.</b>					
1	Catch Basin	0	EA	\$1,651.00	\$0
2	Sanitary Manhole	0	EA	\$1,442.50	\$0
3	Survey Monument	10	EA	\$200.00	\$2,000
4	Final Cleaning of drainage system	531	LF	\$1.50	\$797
5	Repairs to binder prior to wearing	1,992	SY	\$0.80	\$1,594
6	As-built plan	815	LF	\$2.00	\$1,630
7	Temporary erosion and sediment controls	500	SY	\$2.50	\$1,250
<b>Misc. Undefined</b>					
1	8" PVC Water Main	0	LF	\$50.00	\$0
2	Topsoil-Seed-Mulch	400	SY	\$5.00	\$2,000
3	Fire Hydrants	0	EA	\$2,000.00	\$0
4	6" Sanitary Lateral Connection	0	EA	\$300.00	\$0
5	1" Water Service	0	EA	\$500.00	\$0
6	Street tree	32	EA	\$200.00	\$6,400
7	Rock Excavation Road	0	CY	\$75.00	\$0
8	8" Valves	0	EA	\$1,000.00	\$0
<b>Total</b>					<b>\$27,622</b>
<b>Performance Bond</b>				1.5 x Total	<b>\$41,433</b>
<b>Maintenance Bond</b>				20% Perf. Bond	<b>\$58,724</b>

Stormwater Management Consultants, Inc.

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May 11, 2012

Mr. Jon Wagner, Supervisor  
and Members of the Town Board  
Town of Lagrange  
120 Stringham Road  
Lagrangeville, New York 12540

*Re: LaGrange/Sleight Farm Subdivision – Phase 4  
Performance Bond Reduction  
Job # LG.008*

Dear Supervisor Wagner and Members of the Town Board:

The Developer for the above referenced subdivision has requested a reduction in the Performance Bond for the proposed roadway and related improvements.

On May 8, 2012, a site inspection of the proposed road and related improvements were conducted by Mike Kelly, Town Highway Superintendent, Wanda Livigni, Administrator of Public Works, a representative from the Applicant's Engineer's office and this office. Based upon our observations at said site inspection, it was noted that a portion of the work has been completed, and the remaining outstanding items to be completed are noted on the attached table.

As shown on the attached table, the estimated road and related improvements total \$287,534. This represents 42.8% of the original estimate of \$671,261. As per the Code of the Town of LaGrange, up to two (2) bond reductions are permitted. As this is the first bond reduction requested for this project, one (1) more bond reduction may be requested. In addition, as per the Code of the Town of LaGrange, at no time shall the amount of the required performance bond held be less than 25% of the original bond estimate of \$671,261, or \$167,815.

Based upon consultation with the Town Highway Superintendent, it is therefore recommended that the Town Board consider a 60% performance bond reduction of the original bond estimate established for the above referenced subdivision to \$268,504.

P.O. Box 202, LaGrangeville, New York 12540  
Phone 845-462-0022 • Fax 845-462-0033  
w.artus@verizon.net

At such time a Maintenance Bond is established, the Maintenance Bond shall be in the amount of 20% of the original bond estimate of \$671,261, or \$134,252.

Additionally, based upon the original bond estimate of \$671,261, the construction inspection account would total \$33,563 which is 5% of the total estimated improvement cost.

Any questions regarding these matters may be directed to me. I may be contacted directly at 845-462-0022.

Sincerely,



Walter R. Artus, CPESC, CMS4S  
Principal

WRA/wra

cc: Alan Bell, Planning Board Chairman  
Wanda Livigni, Administrator of Public Works  
Christine O'Reilly-Rao, Town Clerk  
Mike Kelly, Town Highway Superintendent  
Ronald Blass, Jr., Van DeWater & Van DeWater, Town Attorney  
Greg Bolner, P.E., Clark Patterson Associates, Town Engineer  
Robert Gray, P.E., Morris Associates, P.S., LLC

Sleight Farm Phase 4 Performance Bond Reduction  
 Revised 05/11/12

No.	Item Name	Qty.	Unit	Cost	Value
<b>FOR SUB-ROADWAY:</b>					
1	Clear & Grub - Road ROW	0	LF	\$4.00	\$0
2	Clear & Grub - Easements	0	LF	\$2.00	\$0
3	Rough Grade	0	LF	\$8.00	\$0
4	Foundation Course	1,220	LF	\$8.00	\$9,760
<b>FOR SHOULDERS AND DITCHES RURAL ROADWAY (FIGURE 4):</b>					
1	Surface - asphalt conc. Binder course, 3-inch thickness	3,251	SY	\$8.00	\$26,008
2	Surface - asphalt conc. Wearing course, 2-inch thickness	3,573	SY	\$6.00	\$21,438
6	Asphalt curb	2,680	LF	\$3.50	\$9,380
<b>Storm Drain Pipe (HDPE):</b>					
2	18" Dia. HDPE	0	LF	\$27.00	\$0
3	24" Dia. HDPE	0	LF	\$36.00	\$0
4	30" Dia. HDPE	0	LF	\$45.00	\$0
<b>Sewer Pipe (PVC)</b>					
3	8" Dia. PVC (gravity main)	0	LF	\$50.00	\$0
<b>Misc.</b>					
2	Storm Manhole - 6 ft	2	EA	\$1,050.00	\$2,100
3	Catch Basin < 5 ft	2	EA	\$800.00	\$1,600
6	Sanitary Manhole < 5 ft	0	EA	\$800.00	\$0
7	Sanitary Manhole - 6 ft	0	EA	\$1,050.00	\$0
8	Sanitary Manhole - 7 ft	0	EA	\$1,300.00	\$0
9	Sanitary Manhole - 8 ft	0	EA	\$1,550.00	\$0
10	Sanitary Manhole - 9 ft	0	EA	\$1,800.00	\$0
11	Survey Monument	28	EA	\$200.00	\$5,600
12	Street name sign	2	EA	\$200.00	\$400
13	Final Cleaning of drainage system	1,400	LF	\$1.50	\$2,100
14	Repairs to binder prior to wearing	3,573	SY	\$0.80	\$2,858
15	As-built plan	1,340	LF	\$2.00	\$2,680
16	Temporary erosion and sediment controls	3,000	SY	\$2.50	\$7,500
<b>Misc. Undefined</b>					
1	8" PVC Water Main	600	LF	\$50.00	\$30,000
2	Topsoil-Seed-Mulch	12,773	SY	\$5.00	\$63,865
3	Fire Hydrants	0	EA	\$2,000.00	\$0
4	6" Sanitary Lateral Connection	0	EA	\$300.00	\$0
5	1" Water Service	0	EA	\$500.00	\$0
6	Street tree	32	EA	\$200.00	\$6,400

**Total** **\$191,689**

**Performance Bond** 1.5 x Total **\$287,534**

**Maintenance Bond** 20% Perf. Bond **\$134,252**

**Inspection Fee** 5% Perf. Bond **\$33,563**

RESOLUTION

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

WHEREAS, the Town Board has been advised by the LaGrange Zoning and Building Departments that violations exist with respect to the improvement and use of real property owned by Richard Ryan and/or Richard Ryan Excavation Inc. involving LaGrange Tax Parcel Nos. 6561-04-911427 and 6561-04-835340 near Route 82 and Ryandale Road in the Town of LaGrange, Dutchess County, New York.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of LaGrange authorizes the commencement of enforcement actions in Supreme Court, Dutchess County and/or the Justice Court of the Town of LaGrange concerning these violations of Town Code against Richard Ryan and/or Richard Ryan Excavation Inc.

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

Supervisor Wagner	Absent
Councilman Luna	Aye
Councilman Jessup	Aye
Councilman Polhemus	Aye
Councilman Dyal	Absent

DATED: LaGrangeville, New York  
May 23, 2011

  
\_\_\_\_\_  
CHRISTINE O'REILLY-RAO Town Clerk

**TOWN BOARD RESOLUTION PURSUANT TO  
TOWN LAW SECTION 191-a  
REGARDING A PROPOSED "ROMCA ROAD WATER DISTRICT"**

Supervisor Luna introduced the following resolution, which was seconded by Councilman Jessup, as follows:

WHEREAS, the Town Board has received preliminary proposals for professional services in connection with planning for and the preparation of a map, plan and report for a potential water district to be known as the Romca Road Water District in the Town of LaGrange, Dutchess County, New York; and

NOW, IT IS HEREBY RESOLVED, as follows:

1. The Town Board hereby approves the preliminary planning for, and the preparation of a map, plan and report for the proposed water district, pursuant to Town Law Section 191-a, by the engineers and the attorneys to the Town of LaGrange, at a combined cost of professional services not to exceed the sum of SIXTY FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00).

2. The map, plan and report for a proposed water district is intended to cover properties located near the following areas: Romca Road and the adjoining portion of Red Oaks Mill Road.

3. The planning work, and the map, plan and report for the proposed water district shall provide for public water

supply by means inter-district arrangement with the existing Manchester Water District.

4. (a) The plan for the financing of the specific object or purpose described in paragraphs 1, 2, and 3 above is by the issuance of SIXTY FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) serial bonds of said Town, hereby authorized to be issued therefore, pursuant to the Local Finance Law.

(b) It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein will not exceed five (5) years.

(c) The faith and credit of said Town of LaGrange, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

(d) Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell

bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent the provision of the Local Finance Law.

(e) All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

(f) The validity of such bonds and bond anticipation notes may be contested only if:

i) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or

ii) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

iii) such obligations are authorized in violation of the provisions of the Constitution.

(g) This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

5. This resolution is subject to permissive referendum in accordance with the provisions of Article 7 of the Town Law.

6. This resolution shall be published in summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Wagner	ABSENT
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

The resolution was thereupon declared duly adopted.



**NOTICE OF ADOPTION OF RESOLUTION**

PLEASE TAKE NOTICE that the Town Board of the Town of LaGrange, Dutchess County, New York, has, on the 23<sup>RD</sup> day of May, 2012, duly adopted a resolution authorizing the preparation of a map, plan and report for a potential Romca Road Water District in the Town of LaGrange and the financing thereof under the Local Finance Law of the State of New York, subject to a permissive referendum. An abstract of such resolution is published herewith. A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of thirty days from the date of publication of this Notice.

Dated: LaGrangeville, New York  
May 23, 2012

  
CHRISTINE O'REILLY-RAO  
Town Clerk, Town of LaGrange

TOWN BOARD RESOLUTION DATED MAY 23, 2012

TOWN BOARD RESOLUTION PURSUANT TO TOWN LAW SECTION 191-A  
REGARDING A PROPOSED "ROMCA ROAD WATER DISTRICT"

Class of objects or purposes: Preparation of map, plan and report for proposed Romca Road Water District in the Town of LaGrange

Maximum estimated cost: \$65,000

Period of probable usefulness: Five years

Maturity of obligations: Not to exceed Five years

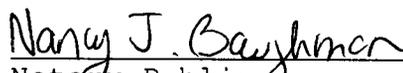
Amount of obligations to be issued: \$65,000 bonds

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 24TH day of May, 2012, I duly caused a copy of the attached Notice of Adoption 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-Bao, Town Clerk

Sworn to before me this  
24TH day of May, 2012

  
Notary Public

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

# 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 2012 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 27th  
day of May in the year of 2012 and  
on the following dates thereafter, namely on:

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in  
the year of 2012, both days inclusive.

Rita Lombardi  
Subscribed and sworn to before me this 29th day  
of May in the year of 2012.

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

### NOTICE OF ADOPTION OF RESOLUTION

PLEASE TAKE NOTICE  
that the Town Board of  
the Town of LaGrange,  
Dutchess County, New  
York, has, on the 23rd  
day of May, 2012, duly  
adopted a resolution  
authorizing the prepara-  
tion of a map, plan  
and report for a poten-  
tial Romca Road Water  
District in the Town of  
LaGrange and the fi-  
nancing thereof under  
the Local Finance Law  
of the State of New  
York, subject to a per-  
mission referendum. An  
abstract of such resolu-  
tion is attached hereto  
with a complete copy  
of the resolution sum-  
marized hereunto. It  
is available for exami-  
nation during regular  
business hours in the  
Office of the Town Clerk  
of the Town for a period  
of thirty days from the  
date of publication of  
this Notice.  
Dated: LaGrangeville,  
New York  
May 23, 2012

CHRISTINE  
LILY-RAO  
Town Clerk,  
Town of LaGrange

TOWN BOARD RESOLU-  
TION DATED MAY 23,  
2012

TOWN BOARD RESOLU-  
TION PURSUANT TO  
TOWN LAW SECTION  
26-A REGARDING A  
PROPOSED "ROMCA  
ROAD" WATER DIS-  
TRICT  
Class of objects or pur-  
poses: Preparation of  
map, plan and report  
for proposed Romca  
Road Water District in  
the Town of LaGrange  
Maximum estimated  
cost: \$65,000  
Period of probable use:  
Indefinite  
Amount of obligations:  
Not to exceed Five  
years  
Amount of obligations  
to be issued: \$65,000  
bonds  
0789