

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

**TOWN BOARD MEETING
July 18, 2012**

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

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

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

A meeting of the Town Board was held on Wednesday, July 18, 2012, at the LaGrange Town Hall, 120 Stringham Road. Deputy Supervisor Luna called the meeting to order at 6:31 p.m. The Town Clerk led the flag salute.

Deputy Town Supervisor Luna noted that this meeting would be to conduct the business which was originally scheduled for July 11, 2012. The July 11th meeting was cancelled in observance of the death of Town Supervisor Jon Wagner. The workshop portion of the meeting will be conducted after this meeting was adjourned.

A moment of silence was observed in memory of Supervisor Wagner.

Deputy Supervisor Luna asked for a motion to accept the minutes for June 27, 2012. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Deputy Supervisor Luna asked for a motion to accept the monthly revenue reports:

- | | |
|---|-------------------|
| • Building, Zoning, Public Works & Planning | Total \$15,820.00 |
| • Highway Department | Total \$300.00 |
| • Justice Caplicki (incl. State Share) | Total \$18,021.00 |
| • Justice O'Hare (incl. State Share) | Total \$20,347.50 |
| • Recreation | Total \$61,745.15 |
| • Town Clerk | Total \$1,329.38 |

Councilman Polhemus moved to accept the reports, seconded by Councilman Jessup. The motion carried unanimously.

Mr. Luna announced a DEC ban on burning due to the drought which will be in effect until October 10, 2012.

Councilman Dyal arrived at 6:36 p.m.

Agenda Items

Mr. Luna stated that correspondence from Time Warner Cable will be available in the Clerk's office for one week.

Councilman Jessup introduced a resolution to establish a salary for the position of Deputy Town Supervisor.

Councilman Jessup so moved, stating that the salary would be the same as Supervisor Wagner had received, less the Councilman position salary. (SEE ADDENDUM)

Resolution Establishing a Salary for Deputy Town Supervisor

RESULT:	ADOPTED
MOVED:	Councilman Jessup
SECONDED:	Councilman Polhemus
AYES:	Jessup, Polhemus, Dyal
NAYS:	
ABSTAINED:	Councilman Luna

Mr. Luna asked for a motion to appoint Joseph A. Egitto to replace Justice Edmund Caplicki. Councilman Jessup so moved, seconded by Councilman Dyal. A roll call vote was taken and the motion carried unanimously.

Mr. Luna asked for a motion to accept a Stipulation settling a tax certiorari brought by 165 Overlook Road, LLC. (SEE ADDENDUM)
Councilman Polhemus moved to do so, seconded by Councilman Jessup. (SEE ADDENDUM)

Mr. Luna asked for a motion to accept a Stipulation settling a tax certiorari brought by Savone Realty North, LLC.
Councilman Polhemus moved to do so, seconded by Councilman Dyal. (SEE ADDENDUM)

Mr. Luna asked for a motion to release a Stormwater Maintenance Bond for Dunkin Donuts on Route 55 in the amount of \$25,995.00.(SEE ADDENDUM)
Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Luna asked for a motion to award the bid for Town Center Improvement Area Controls to Black Electric. (SEE ADDENDUM)
Councilman Jessup moved to do so, seconded by Councilman Dyal. The motion carried unanimously.

Mr. Luna stated that the Town had been audited by New York State DEC for Stormwater Management and the audit awarded a satisfactory rating, which is the highest score possible.

He thanked Walter Artus, Wanda Livigni and Mike Kelly for the work on this. Councilman Jessup added his thanks as well.

Mr. Luna asked for a motion to approve attendance to the 2012 Annual NYSAMCC Conference on September 30, 2012 to October 3, 2012 for Court Clerk Sandra Dillon. The cost to the Town is approximately \$550.00.

Mr. Luna asked for a motion to approve attendance to the 2012 Annual NYSAMCC Conference on September 30, 2012 to October 3, 2012 for Court Clerk Carolyn Harklerode. The cost to the Town is approximately \$40.00. The Town is only paying the registration fee since the Town of Stanford will be paying the \$510.00 fee for the Conference.

Mr. Luna asked for a motion to approve attendance to the 2012 Annual NYSAMCC Conference on September 30, 2012 to October 3, 2012 for Nancy Baughman. The cost to the Town is approximately \$550.00.

Councilman Polhemus so moved to approve all of the requests, seconded by Councilman Dyal. The motion carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

Mr. Polhemus stated that Peter Huff had informed him that donations for Mr. Wagner's memorial fund had already reached \$2,500.00 and suggested that the Board begin to make recommendations as to the type of memorial to erect.

Open Space

Mr. Jessup stated that the Board is waiting for the Ethics Committee to review Mr. Polhemus' request for guidance on his ability to vote on the Sleight Farm Conservation Easement so that the matter can be put on the next agenda.

Highway

Mr. Jessup stated the lift and tire changer had been ordered. He has been discussing with the Comptroller purchasing narrow band radios which have to be in use by January 13, 2013.

Town Attorney

Mr. Blass stated that he had drawn up a resolution to address utility work in relation to the upcoming roadwork for Route 55 which would incorporate the conceptual plans of the Town into the design plans of the DOT. No appropriations are included in the resolution.

Councilman Jessup moved to adopt the resolution, seconded by Councilman Polhemus.
(SEE ADDENDUM)

Administrator of Public Works

Ms. Livigni stated that the Planning Board meeting last night which addressed the Daley Farm Development went well. She added that an extension until the September Planning Board meeting was given in order to allow time for the Findings Statement to be completed.

Public Comment

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

Donna Bolner, representing the 13th District in the County Legislature, addressed the Board. The County is constantly researching the tick problem and working to eradicate ticks. She noted that the Hudson Valley is ground zero for tick borne illnesses.

The Legislature passed resolutions on July 16th for work to begin at the Titusville Road and Route 55 Corridor and the Noxon / Titusville intersection.

The Dutchess County Community College budget was passed with an increase of \$100 per semester. DCCC actually has one of the lowest tuitions in the state for a community college.

Ron Hicks of Dutchess County Planning is looking for Federal monies which would be used for advanced mitigation planning for areas with problems such as extreme flooding. Municipalities are encouraged to send their issues to Mr. Hicks.

She added that the July 16th meeting of the Legislature was adjourned in memory of Jon Wagner.

Ralph Rabasco addressed the Board as Chairman of the LaGrange Democratic Committee. He offered his condolences for the passing of Jon Wagner on behalf of the Democratic Committee.

Mr. Rabasco asked for clarification on Mr. Luna's status on the Board.

Mr. Luna replied that his title is Deputy Town Supervisor until December 31, 2012. The salary would come from the Supervisor's salary line and would reflect a deduction of the balance of the salary of his Councilman position. The number of seats on the Board at this time will be four. He added that he has the responsibility of carrying out all of the duties of the Supervisor as Deputy, but he only has one vote.

Councilman Jessup added that Mr. Luna has been working fulltime since the Supervisor became ill.

Mr. Rabasco stated that he had no objection about the resolution to establish a salary for the Deputy Town Supervisor.

Joseph A. Egitto addressed the Board. He thanked the Board for their confidence and pledged to make the Board proud. He had wanted his father, a former Supreme Court Justice, to administer the Oath of Office, but he was unsure if that would be possible. In the event his father is not able to do it, he will ask his friend and mentor, Justice Greller, to administer the Oath of Office.

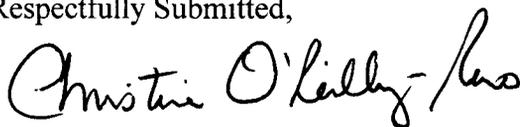
A discussion ensued.

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

Councilman Dyal, seconded by Councilman Polhemus moved to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 7:02 pm.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution: Establishing Salary for Deputy Town Supervisor
- Resolution: Stipulation Agreement: 165 Overlook Road, LLC
- Resolution: Stipulation Agreement: Savone Realty North, LLC
- Memo: Stormwater Maintenance Bond Release; Dunkin Donuts
- Letter: Award of Bid to Black Electric
- Memo: NYS DEC Audit for Stormwater Management
- Resolution: NYS DOT and Town of LaGrange

RESOLUTION

Councilman Jessup introduced the following resolution after seconded by Councilman Polhemus, as follows:

WHEREAS, the position of Supervisor of the Town of LaGrange is vacant due to the death on July 3, 2012 of Supervisor Jon J. Wagner; and

WHEREAS, Councilman Joseph Luna serves as Deputy Supervisor for 2012 by appointment; and

WHEREAS, Councilman Luna has assumed responsibility in carrying out the duties of the Town Supervisor in his capacity as Deputy Town Supervisor since July 4, 2012, due to a vacancy in the Office of Town Supervisor; and

WHEREAS, pursuant to Sections 27 and 42 of the Town Law, the Town Board may fix compensation for the Deputy Supervisor.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. Councilman Luna shall be compensated as Deputy Town Supervisor with a stipend of \$26,365.00 which will be paid retroactively from July 4, 2012 and paid bi-weekly until December 31, 2012.

2. The Town Board hereby makes a supplemental appropriation of \$26,365.00 for the purpose of establishing the aforesaid compensation of the Deputy Supervisor, and

monies for this appropriation shall be provided from the unexpended balance of an appropriation, from the appropriation for contingencies, from unappropriated unreserved fund balance, or unanticipated revenues with a fund, including but not limited to transfers from the unexpended balance of the appropriation for the payment of salary of the Supervisor for 2012.

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

Supervisor	POSITION VACANT
Councilman Luna	ABSTAINED
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York
July 18, 2012


CHRISTINE O'REILLY-RAO, TOWN CLERK

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of Counsel, is authorized to enter into a Stipulation settling the 2009 tax certiorari proceeding brought by 165 Overlook Road, LLC against the Town of LaGrange in accordance with the following schedule:

Assessment Roll	Assessed Valuation	Reduction in Assessment	Final Assessment
2009/10	\$2,400,000	\$1,200,000	\$1,200,000

And to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Stipulation of Settlement and Order of Settlement with Notice of Entry.

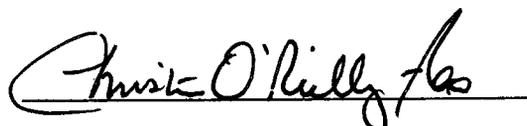
Dated: LaGrangeville, New York
July 18, 2012

Moved by Councilman Polhemus

Seconded by Councilman Jessup

Ayes 4

Nays 0



Christine O'Reilly-Rao
Town Clerk

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Stipulation settling the tax certiorari proceedings brought by Savone Realty North, LLC against the Town of LaGrange for the 2009 and 2011 tax years and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
July 18, 2012

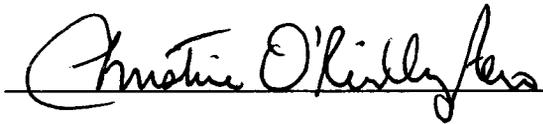
MOVED BY: Councilman Polhemus

Councilman Dyal

SECONDED BY: _____

AYES: 4

NAYES: 0



Christine O'Reilly-Rao
Town Clerk



TOWN OF LAGRANGE

Planning & Public Works
120 Stringham Road
LaGrangeville, New York 12540-5507

Wanda Livigni, Administrator of Public Works
845-452-8562 ~ 845-452 7692 fax ~ wlivigni@lagrangenyc.org

DATE: July 6, 2012
TO: Deputy Supervisor Luna & Town Councilmen
FROM: Wanda Livigni
CC: Christine O'Reilly-Rao, Town Clerk
Christine Toussaint, Comptroller
RE: Dunkin Donuts – Route 55: 6460-02-638947
Stormwater Maintenance Guarantee/Bond

Dear Gentlemen,

I am writing to respectfully recommend the release of the Stormwater Maintenance Bond of \$25,995 on the above referenced property. This bond was in place to ensure that the privately owned underground stormwater quality best management practices (infiltrators) were operated for a period of 3 years after installation. I have conducted the final inspection with their Engineer and I have determined that this recommendation is sound at this time.

Thank you.



July 18, 2012

Mr. Joseph Luna, Acting Supervisor
and Town of LaGrange Board
120 Stringham Road
LaGrangeville, New York 12540

**Re: Town of LaGrange
Manchester Water District Controls
Job # 11278.10**

Dear Acting Supervisor Luan and Members of the Town Board:

The Town of LaGrange received one (1) bid for the Town Center Water Improvement Area Controls. The bid in the amount of \$15,700 was received from Black Electric, Inc.

Non-Collusive Bidding Certificate, References and Bid Bond were provided. By way a letter from Black Electric, Inc., acknowledgement of Addendum #1 and #2 is provided.

Based on Clark Patterson Lee's (CPL) evaluation of the bid received from Black Electric, Inc. CPL recommends that the Town Board award the contract to Black Electric, Inc. in the amount of \$15,700.

If you have any questions, please contact me at 845-567-2011 ext. 2119.

Sincerely,

CLARK PATTERSON LEE

Greg W. Bolner, P.E.
Principal

cc: Christine O'Reilly Rao, Town Clerk
Christine Toussaint, Town Comptroller
Wanda Livigni, Administrator of Public Works
Ronald C. Blass, Jr., Van DeWater and Van DeWater, Town Attorney



TOWN OF LAGRANGE

Planning & Public Works
120 Stringham Road
LaGrangeville, New York 12540-5507

Wanda Livigni, Administrator of Public Works
845-452-8562 ~ 845-452 7692 fax ~ wlivigni@lagrangenyc.org

DATE: July 16, 2012
TO: Deputy Supervisor Joseph Luna & Town Board
FROM: Wanda Livigni
CC: Michael Kelly, Town Highway Superintendent
Christine O'Reilly-Rao, Town Clerk
RE: NYSDEC MS4 Audit Results

Dear Gentlemen,

The culmination of the stormwater work performed by Mike Kelly, Walter Artus and myself has resulted in a satisfactory audit from the New York State Department of Environmental Conservation, as per the attached evaluation. The 'satisfactory' rating of our audit is the highest score the DEC gives, which is an evaluation of 2 departments' year's worth of work, as mandated by the Federal (EPA - Stormwater Phase 2 regulations) and State (NYSDEC) Governments.

Please note that the minor comment listed on the evaluation was work Mike Kelly and his department was already on target to complete this year.

Thank you.

RESOLUTION BY THE TOWN BOARD
TOWN OF LAGRANGE
DUTCHESS COUNTY
INCORPORATING MUNICIPAL WORK

A resolution authorizing the State of New York to incorporate the construction of WATER AND/OR SEWER LINES for the TOWN OF LAGRANGE, consistent with conceptual plans and specifications provided by the Town, in the contract for the reconstruction of ROUTE 55 and STRINGHAM ROAD: PIN 8391.40 S.H.8364 County of DUTCHESS.

WHEREAS, Section 10, Subdivision 27 of the New York Highway Law provides, in part, that the Commissioner of Transportation shall have power, upon the request of the municipality, to perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the Commissioner of Transportation deems it practicable to perform such work in connection with the performance of any work of construction, reconstruction, or improvements; and

WHEREAS, the State of New York is presently preparing contract plans for the construction, reconstruction, or improvement of ROUTE 55, FREEDOM ROAD and STRINGHAM ROAD: PIN 8391.40 which involves construction within the route which the TOWN OF LAGRANGE contemplated using for the construction of WATER AND/OR SEWER LINES and

WHEREAS, said construction, reconstruction, or improvement can be undertaken in conjunction with the construction of the aforesaid WATER AND/OR SEWER LINES at a substantial ultimate savings to the TOWN, now therefore be it

RESOLVED that the TOWN OF LAGRANGE in regular meeting convened, petitions the New York State Department of Transportation as follows:

Petition 1. The State of New York is hereby authorized to proceed with the necessary arrangements to incorporate the proposed WATER AND/OR SEWER LINES in the contract for the construction, reconstruction, or improvement of ROUTE 55, FREEDOM ROAD, and STRINGHAM ROAD: PIN 8391.40 with the cost of said construction and necessary work in connection therewith to be borne by the TOWN OF LAGRANGE, subject to future authorization and appropriation of the actual costs by the Town.

Petition 2. The TOWN OF LAGRANGE will maintain said WATER AND SEWER LINES subsequent to the construction thereof.

Petition 3. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED: that the clerk of this BOARD is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

Moved: Councilman Jessup

Seconded: Councilman Polhemus

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

Supervisor	POSITION VACANT
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York
July 18, 2012


CHRISTINE O'REILLY-RAO, TOWN CLERK