

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

**TOWN BOARD MEETING
July 25, 2012**

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

Absent: 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, July 25, 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 July 18, 2012.

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

Mr. Luna stated that the Board had a resolution before them for the purchase of the Conservation Easement for Sleight Farm. The Board was not able to vote on the matter due to Mr. Dyal's absence.

Councilman Polhemus stated that the Sleight Farm Property abuts the back of his property. He had contacted Mr. Blass to determine if he should recuse himself from voting on the purchase. He thanked Mr. Blass for his help in suggesting that the Town's Ethics Committee review the matter. The Ethics Committee's opinion stated that Mr. Polhemus should not discuss, deliberate or vote on the matter. (SEE ADDENDUM)

Mr. Polhemus then read a prepared statement into the record. (SEE ADDENDUM)

Mr. Luna asked for a motion to return permit fees for Chai's Body Work in the amount of \$335.00. Mr. Feng Yu Chai has withdrawn his application to operate a business in Lexington Park. The zoning review fee of \$50.00 is non-refundable.

Councilman Polhemus did not think the fees should be returned and Councilman Jessup agreed.

A discussion followed.

Mr. Luna asked Mr. Blass for his opinion. Mr. Blass suggested that the matter be shelved until he could look into the Town Code.

Councilman Jessup moved to shelve the matter, seconded by Councilman Polhemus. The motion carried.

Bond Agreements

Mr. Luna asked for a motion to accept a Soil Erosion Bond for grid # 08-6361-03277468; 125 Ridgeline Drive in the amount of \$1,500.00.

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

Committee Reports

Water and Sewer

No Report

Recreation

No report

Open Space

No report

Highway

The tire changer and lift have been delivered.

Town Attorney

No comments

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.

Veronica Rosen addressed the Board. She stated that Summer Story Time is filled and there is a wait list. There will be another session in the Fall. The library offers help with KINDLE and NOOK devices as well as language learning courses on line.

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

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

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

The meeting adjourned at 7:15 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao, Town Clerk

ADDENDUM

- Ethics Committee Opinion: Conservation Easement for Sleight Farm
- Councilman Polhemus' Statement



Ethics Board
120 Stringham Road
LaGrangeville, New York 12540
(845) 452 - 1830

Advisory Opinion No. 12-01 – Whether Ethics Law of the Town of LaGrange precludes a Town Board Member from voting on a resolution to purchase land development rights to a parcel of land that adjoins real property owned by the Town Board Member.

The following advisory opinion is issued pursuant to a request from Mr. Gary Polhemus, Town of LaGrange Councilman, who asks whether the provisions of the Town of LaGrange Ethics Law would preclude him from voting on a resolution to purchase land development rights to a parcel of land known as Sleight Farm, that adjoins real property owned by Mr. Polhemus at 57 Smith Road. The questions posed by Mr. Polhemus include whether this action would have a financial benefit to him or would it give rise to the appearance of impropriety within the meaning of the code.

In considering this matter, the Ethics Board has reviewed the Ethics Law of the Town of LaGrange, and in particular chapter 28-10, A-D, which read as follows:

A. No Town officer or employee shall pursue a course of conduct which will raise suspicion among the public that he or she may be engaged in acts that are in violation of the public's trust or give the appearance of impropriety or unethical conduct.

B. If the conduct of a Town officer or employee creates an appearance of impropriety, the Town officer or employee is required to immediately recuse himself or herself from all discussions, deliberations and determinations regarding the application or subject matter.

C. Any Town officer or employee who is uncertain as to whether his or her conduct will violate Subsection **A**, above should seek an advisory opinion from the Board of Ethics pursuant to § **28-21**, below.

D. The question of whether conduct will create an appearance of impropriety is reviewed on a case-by-case basis. The test to be applied in such situations is not whether there is an actual conflict, but whether there **might** be a conflict. A list of conduct that has previously been found to create an appearance of impropriety is included within Appendix A.

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The Ethics Board concludes that as an owner of real property that adjoins the subject property of the pending resolution (Sleight Farm) Mr. Polhemus' voting on this resolution might give the appearance of impropriety. Therefore, in accordance with chapter 28 of the Ethics Law of the Town of LaGrange, it is the opinion of the Ethics Board that Mr. Polhemus should recuse himself from all discussions, deliberations and determinations regarding this subject matter.

All concur:

Thomas A. Gleason, Chair
Bruce Chipkin
Anthony Cirone
Paul Lent
Thomas Olsen, Members

Dated: July 19, 2012

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Sleight Farm Conservation Easement

7/25/12

To: Lagrange Town Board

Folks: Due to the Ethics boards findings on 7/24/12 I must RECUSE myself from the voting on Sleight Farm Conservation Easement. The rear of my property approx. 250 feet borders the Sleight Farm property.

Although this is heavily wooded and wetlands and the view from our property no matter the outcome would not likely change, I do border the property creating the possible impropriety.

When this property first came up over a year ago I submitted and read aloud a disclosure letter at a Town Board meeting. Jon and I had always agreed that I recuse myself. Under the current voting situation we are in with Jon's passing I was asked to vote. With the above concern I asked this to be ruled on by the Town Ethics Board.

The ethics board has ruled that I should not vote on this issue. Their response is very professional. Unfortunately the town may miss out on a high quality piece of property to preserve as open space. As I have stated in the past this property offers additional benefits with being contiguous to Sprout Creek Farm, being on a side of town that is pressured by development, and roads that are not designed to handle the additional traffic.

Respectfully submitted
Gary Polhemus
Lagrange Town Councilman