

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

**TOWN BOARD MEETING
December 12, 2012**

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

Absent: Councilman Andrew Dyal

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

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

A regular meeting of the Town Board was held on Wednesday, December 12, 2012, at 24 Firemen's Way in the Town of LaGrange. Deputy Supervisor Luna called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Deputy Supervisor Luna asked for a motion to accept the minutes for the Town Board Meeting of November 28, 2012. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Deputy Supervisor Luna asked for a motion to accept the monthly reports for November 2012. Councilman Polhemus so moved, seconded by Mr. Jessup. The motion carried unanimously.

• Building, Zoning, Public Works & Planning	Total \$10,750.00
• Highway Department	Total \$300.00
• Justice Egitto (incl. State Share)	Total \$18,669.20
• Justice O'Hare (incl. State Share)	Total \$16,574.50
• Recreation	Total \$50.00
• Town Clerk	Total \$1,035.90

Agenda Items

Mr. Luna asked for a motion to cancel the Board meeting for December 26, 2012. The Town Hall is officially closed that day.

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

Highway Superintendent Kelly requests approval to transfer \$20,000 from account 5142.1 (Snow Removal Personnel) to account 5130.1 (Machinery Personnel Service).

Councilman Polhemus moved to approve the request, seconded by Councilman Jessup. The motion carried.

Mr. Luna asked for a motion to approve budget transfers and amendments. (SEE ADDENDUM)

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

Mr. Luna asked for a motion to approve settlement of a Tax Certiorari for grid #6361-03-044399-0000 / David E. Petrovits.

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

Mr. Luna asked for a motion to approve settlement of a Tax Certiorari for grid #6360-03-081270-0000 / David E. and Randi Petrovits (Titusville Estates, LLC).

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

Mr. Luna asked for a motion to approve settlement of a Tax Certiorari for grid # 6261-04-868334-0000 / John Page Development (404-406 Manchester Road).

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

Committee Reports

Water and Sewer

No report

Recreation

The Committee is taking suggestions for the Jon J. Wagner Memorial Fund. Total contributions to date are \$5,500.00

Open Space

No report

Highway

Mr. Jessup is working with the Comptroller on the purchase of the narrow band radios for the Highway / Recreation Departments.

Town Board Comments

Mr. Jessup stated that he had reviewed the Bus Shelter Agreement and recommended that it not be signed. The agreement would require the Town to defend and indemnify the County and the State; as well as naming the County as an additional insured.

Mr. Luna asked if Mr. Jessup thought it could be signed if some of the requirements were removed.

Mr. Jessup replied he would not recommend signing it as it leaves the Town open to slip and fall lawsuits, since the Town would be responsible for ice and snow removal at the bus shelters.

Mr. Polhemus stated that he had contacted the Town of Poughkeepsie about their shelters. That town has 14 bus shelters which are maintained by their Highway Department. He had also spoken with Superintendent Kelly and Mr. Kelly had agreed to clear the shelters of snow and ice. Mr. Polhemus added that he thought it would be nice for the Hudson River Housing residents.

Mr. Jessup again stated that the agreement would be too much of a liability for the Town.

Town Attorney

No comments

Public Comment

Councilman Jessup moved to open the meeting to Public Comment. Councilman Polhemus seconded the motion and it carried unanimously.

A student from the High School asked if the Board had rejected the Rail Trail Agreement.

Mr. Luna replied that the agreement that Mr. Jessup had recommended rejecting was for bus shelters. That agreement would place too much liability on the Town.

Mr. Jessup added that the Rail Trail Agreement had been signed.

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

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

The meeting adjourned at 7:15 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Budget Transfers and Amendments
- Tax Certiorari Stipulation Agreement: David E. Petrovits

- Tax Certiorari Stipulation Agreement: David E. and Randi Petrovits (Titusville Estates, LLC)
- Tax Certiorari Stipulation Agreement: John Page Development (404-406 Manchester Road)

BUDGET TRANSFERS 12-12-12

	FROM	TO	AMT.
General Fund:	Supervisor, Contractual (1220.04)	Town Board, Contractual (1010.04)	71.72
	Bond Anticipation Notes, Int. (9730.07)	Fiscal Agents, Contractual (1380.04)	2,139.18
	Central Printing & Mailing, Cont. (1670.04)	Central Data Processing, Cont. (1680.04)	175.08
	Bond Anticipation Notes, Int. (9730.07)	Engineer, Contractual (1440.04)	1,000.00
	Bond Anticipation Notes, Int. (9730.07)	Elections, Contractual (1450.04)	9,892.00
	Special Items (1910.04)	Judgements & Claims (1930.04)	21,586.47
	Tax & Assessment on Property (1950.04)	General Land Purchase (1940.04)	738.00
	Recreation, Personal Services (7020.01)	Parks, Equipment (7110.02)	11,447.25
	Recreation, Personal Services (7020.01)	Celebrations, Contractual (7550.04)	265.44
	Independent Auditor, Contractual (1320.04)	Drainage, Contractual (8540.04)	825.00
	Independent Auditor, Contractual (1320.04)	Tax Collection, Contractual (1330.04)	254.00
	Independent Auditor, Contractual (1320.04)	Tax Collection, Personal Services (1330.01)	190.50
	Highway Administration, Contractual (5010.04)	Highway Administration, Personal Services (5010.01)	23.00
	Independent Auditor, Contractual (1320.04)	Buildings, Contractual (1620.04)	8,000.00
	Town Clerk, Personal Services (1410.01)	Buildings, Contractual (1620.04)	3,000.00
	Recreation, Personal Services (7020.01)	Buildings, Contractual (1620.04)	10,000.00
	Zoning, Personal Services (8010.01)	Buildings, Contractual (1620.04)	19,000.00
	Bond Anticipation Notes, Principal (9730.06)	Buildings, Contractual (1620.04)	74,000.00
	Serial Bonds, Int. (9710.07)	Buildings, Contractual (1620.04)	8,000.00
	Bond Anticipation Notes, Int. (9730.07)	Buildings, Contractual (1620.04)	8,000.00
Highway:	Contingent (1990.04)	Machinery, Equipment (5130.02)	90,781.98
	Retirement (9010.08)	Health & Medical Insurance (9060.08)	10,000.00

BUDGET AMENDMENTS 12-12-12

	General Fund		
Inc.	Insurance Recoveries (2680)	154,651.71	
Inc.	Buildings, Contractual (1620.04)		154,651.71
	To adjust budget for amount received from insurance company as partial payment on Town Hall claim.		
Inc.	State Aid, Court Facilities (3021)	6,100.60	
Inc.	Judicial, Contractual (1110.04)		6,100.60
	To adjust budget for amount received from court grant		

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 David E. Petrovits against the Town of LaGrange from 2007 through 2011 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 December 12, 2012
~~November~~, 2012

MOVED BY:

Councilman Keltner

SECONDED BY:

Councilman Jessup

AYES:

3

NAYES:

0

Christine O'Killy-Alex
LaGrange 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 David and Randi Petrovits and Titusville Estates LLC against the Town of LaGrange from 2007 through 2012 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

~~November~~, 2012 December 12, 2012

MOVED BY:

Councilman Pelkema

SECONDED BY:

Councilman Jessup

AYES:

3

NAYES:

0

Christie O'Reilly -
LaGrange 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 John Page Development LLC against the Town of LaGrange for the 2012 tax year and Robert Taft and Mr. Barnett are authorized to sign such other and further papers as are necessary to effectuate the settlement, no refunds are required said refund 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

~~November~~, 2012 December 12, 2012

MOVED BY Councilman Pelham

SECONDED BY Councilman Jessup

AYES 3

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Chris O'Reilly-Rao
LaGrange Town Clerk