

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

**TOWN BOARD MEETING
August 28, 2013**

Present: Supervisor Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus
Councilman Alan Bell

Absent: Councilman Andrew Dyal

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

Others Present: Ron Blass Esq., Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works
Stephen O'Hare, Town Justice
Steve Mance, Environmental Consultants

A regular meeting of the Town Board was held on Wednesday, August 28, 2013, at 120 Stringham Road, Town of LaGrange. Supervisor Luna called the meeting to order at 7:00 p.m. The Deputy Town Clerk led the flag salute.

Supervisor Luna asked for a motion to accept the minutes for the Town Board Meeting of August 14, 2013. Councilman Jessup so moved, seconded by Councilman Bell. The motion carried unanimously.

AGENDA

Mr. Luna stated that the Receiver of Taxes is requesting the Town Board reinstate the year 2000 resolution authorizing the Receiver of Taxes to accept credit card payments of property and school taxes. Councilman Polhemus moved to approve the resolution; seconded by Councilman Bell; the motion carried unanimously.

There was a brief discussion regarding the inclusion of water and sewer utility bills in the above resolution. Mr. Luna made a motion to rescind the prior resolution, seconded by Councilman Bell; the motion carried unanimously.

Councilman Jessup moved to amend the YEAR 2000 resolution to include authorization for credit card payment for water and sewer utility bills. Councilman Bell seconded the motion; the motion carried unanimously. (SEE ADDENDUM)

The Planning Board is soliciting the recommendation of the Town Board for the 6th re-approval of the final subdivision approval for Lake Ridge Subdivision and Rolling Meadows Subdivision, which are currently due to expire on September 21, 2013.

Councilman Polhemus moved to recommend the approvals, seconded by Councilman Jessup. The motion carried unanimously. (SEE ADDENDUM)

Mr. Luna asked for a motion to approve the Highway Superintendent's request to go out for bid on Highway Materials and Road Sweeping for the contract period of October 1, 2013 through September 30, 2014. Councilman Bell so moved, seconded by Councilman Jessup. The motion carried unanimously. (SEE ADDENDUM)

Supervisor Luna stated that the Town is considering changing its medical insurance agent. Upon the Comptroller's recommendation, Mr. Luna requested a motion to select Brad Palmiter of Marshall and Sterling. Councilman Jessup moved to do so, seconded by Councilman Bell. The motion carried unanimously.

Mr. Luna asked for a motion permitting the Assessor to attend the NY State Assessors Association Annual Conference and Educational Seminar on October 1, 2013 through October 4, 2013. The total charges including room, tuition and meals should be under \$1,000. Councilman Polhemus moved to do so, seconded by Councilman Jessup. The motion carried unanimously. (SEE ADDENDUM)

Mr. Luna state that the next agenda item regarding Court Clerk training will be discussed at the next meeting because he had a few questions that needed answers.

Mr. Luna asked for a motion authorizing him to execute documents to resolve utility conflicts for Titusville Sewer District and Manchester Water District. Councilman Polhemus asked if there would be any cost to the Town. Ms. Livigni said there would not. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously. (SEE ADDENDUM)

Mr. Luna stated the Internal Audit for 2012 is good overall.

Justice O'Hare addressed the Board to explain the \$50.00 unidentified funds in the bail account. He stated that it is not bail money but an undertaking that a litigant had to file when the litigant demanded a jury trial. The fines and forfeiture account would not be appropriate because it's not a fine, it's an undertaking. The most appropriate account to put the \$50 in is the bail account. It's not bail; bail is a criminal matter and this is a civil matter. The reason the money was put into the bail account was, when his clerk contacted the State Comptroller's Office they recommended it be deposited in the bail account. The Court is waiting for the end of the case. He explained that the litigant that filed the jury demand filed an appeal that is still awaiting decision. If the litigant wins on the appeal, he'll get a jury trial and if he loses on the appeal, he will get the \$50 back.

Mr. Luna asked for a motion to accept the Internal Audit for 2012, conducted by D'Achille & Associates, with Justice O'Hare's explanation. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously. (SEE ADDENDUM)

Committee Reports

Water and Sewer

No Report

Recreation

No Report

Open Space

No Report

Highway

No Report

Town Board Comments

Supervisor Luna stated that Pop Warner has requested a reimbursement of \$20,000.00 for capital improvements. Supervisor Luna asked for a motion to approve the reimbursement that would be taken from the LPI account. Councilman Jessup so moved, seconded by Councilman Bell; the motion carried unanimously.

Town Attorney

No Report

Administrator of Public Works

Ms. Livigni stated that the proposed project from Route 55 and Noxon Road is moving ahead. She reported that NYS DOT awarded the bid for Route 55 to the Taconic State Parkway. The work should start mid-Fall. She added that utility companies are working now to move things out of the way. The work is anticipated to be done by the end of next year. She added that Supervisor Luna recommended that there be one contact in the Town and that she would be that contact.

She also gave an update on the Dutchess County DOT Noxon / Titusville Road project and stated that she would be the Town contact on this project as well. It should go out to bid this year with work projected to start next year.

Councilman Polhemus asked what the Town's financial exposure is for this project. Ms. Livigni stated that there is always a chance for change orders due to unexpected findings.

Environmental Consultants

Steve Mance reported that they have been busy with water repairs at Noxon Knolls.

Public Comment

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

Steve Mance, representing the LaGrange Rotary invited the Town Board and all of Town Hall to the September 11th Memorial Service at Stringham Park at 8:30 a.m.

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

Councilman Bell, seconded by Councilman Polhemus moved to adjourn the meeting at 7:22 pm. The motion carried unanimously.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- Resolution: Payment of Taxes by Credit Card
- Planning Board Chairman Memorandum: Lake Ridge Subdivision and Rolling Meadows Subdivision
- Highway Superintendent Memorandum: Request for Bid Authorization
- Event Attendance Request: R. Taft
- Manchester Water District Local Projects Utility Work Agreement
- Titusville Trunk Sewer Local Projects Utility Work Agreement
- Affidavit of Publication – 2012 Internal Audit
- 2012 Internal Audit – D'Achille & Associates (On File in the Town Clerk's Office)

RESOLUTION

WHEREAS, the State of New York has passed a law whereby a Town Board is authorized to permit the Receiver of Taxes to accept credit cards for payment of taxes, and

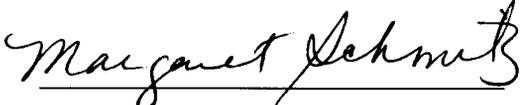
WHEREAS, the Receiver of Taxes wishes to offer this service to residents of the Town to pay school and property taxes as well as water and sewer bills using all major credit cards via the internet at www.officialpaymnets.com or telephone 1-888-2PAY-TAX ; which will be at no cost to the Town.

BE IT RESOLVED, the Town of LaGrange will enter into an agreement with Official Payments Corporation to provide electronic payment options for the payment of school taxes, real property taxes, and water & sewer bills.

The Following Vote was Taken:

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

Dated: August 28, 2013



Margaret Schmitz, Deputy Town Clerk

TOWN OF LAGRANGE

120 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
Planning & Public Works
845-452-8562 845-452-7692 FAX



TO: TOWN BOARD
FROM: STACY OLYHA, PLANNING BOARD CHAIRMAN
RE: RE-APPROVAL PROCESS FOR SUBDIVISIONS
DATE: August 19, 2013

The Planning Board has received a request for a 6th re-approval of final subdivision approval for Lake Ridge Subdivision and Rolling Meadows Subdivision, which are currently due to expire on September 21, 2013.

As per Town Code, I am respectfully soliciting the recommendation of the Town Board with respect to the granting of these re-approval requests. Kindly respond in writing by September 12, 2013 so that the Planning Board can ensure that these approvals do not lapse.

The engineers for both projects have submitted letters verifying that the plans have not changed and that all outside agencies' approvals and/or permits are in effect and have not expired.



TOWN OF LAGRANGE HIGHWAY DEPARTMENT

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

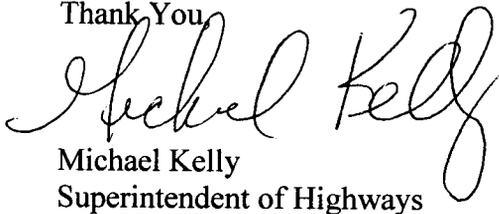
August 16, 2013

Town Board,

I am requesting permission to go out for bid on Highway Materials and Road Sweeping for the contract period October 1, 2013 through September 30, 2014 for the following:

Bituminous Mix – Hot and Bituminous Mix – Cold
Bituminous Materials- Road Tars, Latex Emulsion, Latex Primer & Sealer, Latex Mp Material
Cast Iron Frames, Grates, Catch Basins and Drywells
Galvanized CMP Arch Pipe
Guide Rails
Diesel Motor Fuel
Fuel Oil
Magnesium Chloride
Unleaded Gasoline
Crushed Quarry Stone
R.O.B. Gravel
Re-Cycled Sub-Base Materials-1, 2 & 4
Washed Highway Grade Sand
Screened Topsoil
Road Sweeping

Thank You


Michael Kelly
Superintendent of Highways

August 23, 2013

MEMORANDUM

To: Joseph Luna, Supervisor (LaGrange)
Lisette Hitsman (Union Vale)
Town of LaGrange Board
Town of Union Vale Board

From: Robert Taft, Assessor

Re: NY State Assessors Association Annual Seminar

The NY State Assessors Association will be holding their annual conference and educational seminar on October 1 through October the 4th 2013. I would like to be able to attend. The classes being offered will help to educate me in the new STAR program, understanding depreciation/appreciation theory, BAR training techniques, preparation for informal hearings, Agricultural values and exemptions, Study of architectural styles, sales processing, deed reading and assessor resources. There is also a study of green energy.

The total charge including room, tuition and meals should be under \$1,000 dollars. A Training and education expense in the amount of \$2,000 is in my budget for this year.

Yours Truly,



Robert Taft.
Assessor



Town of LaGrange Event Attendance Request

Request **MUST** be submitted no later than
one month prior to requested event

Tafi Robert
Last Name First Name Middle Initial

08 / 26 / 2013
Month / Day / Year

Assessor
Department

New York State Assessors Association
Event Sponsor and Description (attach announcement)

Lake Placid
Event Location

10 / 01 / 2013 TO 10 / 04 / 2013
Month / Day / Year Event Dates Month / Day / Year

219 miles 1 way
438 miles Round trip

Event Distance

Comments: This event will be beneficial in many ways. It offers numerous classes, all of which are current issues.

EVENT EXPENSE ESTIMATE

All Expenses **MUST** be approved in advance

EXPENSE	AMOUNT
Tuition	<u>175.00</u>
Fees	
Meals (GSA rate)	<u>included</u>
Lodging (GSA rate)	<u>777.00</u>
Transportation	<u>Town car / 1 tank = 70-</u>
Mileage (IRS rate)	
Taxi	
Parking	
Tolls	
Other	
Other	
Total	<u>1,022 +,-</u>

Lodging is through NYSAA and the rate includes All 3 meals per day.

Lodging Description (including nightly rate)

Assuming 1 tank of fuel will get me back home AND I fill up before I leave at Highway Garage, Fuel expense should be approx. \$70-

Additional Expenses

Employee's signature *I certify that the above is accurate and no unnecessary expenses have been added to the estimates*

Department Head's signature - I have reviewed request above and certify that the event is pertinent to the requesting employee's job description

Town Supervisor's signature

Town Board: Approved Denied

____ / ____ / ____
Month / Day / Year

PIN 8755.41
REHABILITATION OF COUNTY ROUTE 21 (NOXON ROAD), NY ROUTE 55 TO COUNTY
ROUTE 49 (TITUSVILLE ROAD)

PIN 8758.69
COUNTY ROUTE 21 (NOXON ROAD) AND COUNTY ROUTE 49 (TITUSVILLE ROAD)
INTERSECTION IMPROVEMENTS

FEDERAL AID – LOCAL PROJECTS UTILITY WORK AGREEMENT

SPONSOR'S NAME: DUTCHESS COUNTY

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 8755.41, 8758.69	F.A. Project No.: n/a
ROW Declaration No.: n/a	Map Nos.: 1 - 66
Parcel Nos.: 1 - 143	County of: Dutchess
Contract No.:	
Project Description: Rehabilitation of County Route 21 (Noxon Road), NY Route 55 to County Route 49 (Titusville Road); County Route 21 (Noxon Road) and County Route 49 (Titusville Road) Intersection Improvements	

necessitates the adjustment of utility facilities as hereinafter described, the Owner, Manchester Water District, of said facilities herewith agrees with the Sponsor that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the Street/Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule," and with the contract plans, specifications, proposal, amendment(s), or change order(s).

- I. Existing Facilities An existing 200mm (8") diameter ductile iron cement lined water main and numerous existing 19mm (3/4") copper or HDPE service lateral connections presently located on Dutchess County Right-of-Way shown on the plans for the proposed transportation project are to be adjusted as follows: The Underground Utility Conflict Table within the Contract Plans identifies all anticipated water main service lateral conflicts. As the Table indicates, test pits shall be taken at the water main locations in accordance with the Test Pit Notes on DWG. GNN-02 in order to determine the need for relocation of the main. Where the existing water main is found to be in interference with proposed drainage crossings, the main will be relocated in accordance with the Underground Utility Conflict Table and the Contract Plans. Service lateral connections will also be relocated as depicted in the Underground Utility Conflict Table and the Contract Plans. All work shall be in accordance with the agreed time frames outlined in the attached "SPECIAL NOTE – COORDINATION WITH THE UTILITY SCHEDULE"

II. Financial Responsibility in accordance with Section 81 of the Highway Law (check appropriate boxes):

- A. The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- B. Subdivision 24 of Section 10 of the State Highway Law enables the Sponsor to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work.
- C. Subdivision 24-b of Section 10 of the State Highway Law enables the Sponsor to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations law.
- D. The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Highway Design Manual Chapter 13 and Highway Design Manual Appendix 13G, and with the Federal highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method(s):

- 1) Contract let by the Sponsor
- 2) Contract let by the Owner, (check applicable statement)
 - a. Best Interests of Sponsor.
 - b. Owner not sufficiently staffed or equipped.
- 3) By the Owner's forces

IV. Betterment, Salvage, and Depreciation Credits Due the Project (check appropriate boxes):

- 1) There will be no extension of service life, improved capacity or any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- 2) There is betterment described as follows:

- 3) The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
- 4) The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

PIN 8755.41
REHABILITATION OF COUNTY ROUTE 21 (NOXON ROAD), NY ROUTE 55 TO COUNTY
ROUTE 49 (TITUSVILLE ROAD)

PIN 8758.69
COUNTY ROUTE 21 (NOXON ROAD) AND COUNTY ROUTE 49 (TITUSVILLE ROAD)
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Project Description: Rehabilitation of County Route 21 (Noxon Road), NY Route 55 to County Route 49 (Titusville Road); County Route 21 (Noxon Road) and County Route 49 (Titusville Road) Intersection Improvements	

necessitates the adjustment of utility facilities as hereinafter described, the Owner, Titusville Sewer District, of said facilities herewith agrees with the Sponsor that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the Street/Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule," and with the contract plans, specifications, proposal, amendment(s), or change order(s).

1. Existing Facilities A 450mm (18") PVC sewer main and manhole, part of the Titusville Trunk Sewer, presently located on Town of LaGrange Right-of-Way shown on the plans for the proposed transportation project are to be adjusted as follows: A proposed 100mm (4") diameter PVC house service lateral and a 200mm (8") diameter PVC sanitary sewer main will be installed as a part of this project. Refer to the Contract Plans. The sewer service lateral will connect from #317 Noxon Road (Parcel ID No. 6360-01-214557) and extend into a new manhole (SMH-P-04), then continue westerly across Noxon Road to a new manhole (SMH-P-01), then turn northerly on Noxon Road to a new manhole at the Feller Road intersection (SMH-P-02) and turn westerly on Feller Road to a new drop manhole (SMH-P-03) to be installed adjacent to the existing manhole at the 450mm (18") diameter PVC Titusville Trunk Sewer. The 200mm (8") new main will then be connected from the new drop manhole to the existing Titusville Trunk manhole. Additionally, a dry 200mm (8") main with a capped end will be installed extending from the manhole at the Noxon/Feller Road intersection (SMH-P-02) across Noxon Road to the east for future use by the Town. The Underground Utility Conflict Table within the Contract Plans identifies one (1) sanitary sewer

service lateral conflict. As the Table indicates, a test pit shall be taken at the sanitary sewer lateral conflict location in accordance with the Test Pit Notes on DWG. GNN-02 in order to determine the need for relocation of the service lateral. Where the service lateral is found to be in interference with the proposed drainage crossing, the drainage system will be revised accordingly to clear the lateral as depicted in the Underground Utility Conflict Table and the Contract Plans. All work shall be in accordance with the agreed time frames outlined in the attached "SPECIAL NOTE – COORDINATION WITH THE UTILITY SCHEDULE"

II. Financial Responsibility in accordance with Section 81 of the Highway Law (check appropriate boxes):

- A. The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- B. Subdivision 24 of Section 10 of the State Highway Law enables the Sponsor to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work.
- C. Subdivision 24-b of Section 10 of the State Highway Law enables the Sponsor to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations law.
- D. The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Highway Design Manual Chapter 13 and Highway Design Manual Appendix 13G, and with the Federal highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method(s):

- 1) Contract let by the Sponsor
- 2) Contract let by the Owner, (check applicable statement)
 - a. Best Interests of Sponsor.
 - b. Owner not sufficiently staffed or equipped.
- 3) By the Owner's forces

IV. Betterment, Salvage, and Depreciation Credits Due the Project (check appropriate boxes):

- 1) There will be no extension of service life, improved capacity or any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- 2) There is betterment described as follows:

- 3) The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
- 4) The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. General Covenants

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- 1) A Privately Owned Property Agreement executed prior to the performance of the work.
- 2) A Municipal Agreement executed prior to performance of the work.
- 3) Such other agreement as approved by NYSDOT Legal Affairs Division.

VI. References

The following documents are herewith incorporated in this agreement by reference (check appropriate boxes)

- A. Federal Highway Administration's Federal-Aid Policy Guide Part 645.
- B. Contract documents: PIN 8755.41, PIN 8758.69
Plan Sheets DUP-16 to DUP-21, UC-01 to UC-02
SPECIAL NOTE – COORDINATION WITH THE UTILITY SCHEDULE
- C. Owner's plan sheets
- D. Owner's estimate sheets form No. _____
- E. Resolution dated _____, by _____
 Granting the Sponsor authority to perform the adjustment for the owner.
 Agreeing to maintain facilities adjusted via Local-let contract.
- F. Certification by the owner or his agent that he has the legal authority to enter into this 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 2013 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 28th day of Aug. in the year of 2013 and on the following dates thereafter, namely on:

And ending on the _____ day of _____ in the year of 2013, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 28th day of August in the year of 2013.

Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

PUBLIC NOTICE
NOTICE IS HEREBY GIVEN that the fiscal affairs of the Town of LaGrange have been examined for 2012, and that the report of such examination was filed by D'Achille & Associates in my office on August 23, 2013; where it is available as a public record for inspection by all interested parties.
Notary Public - Rose Ann Simpson
August 23, 2013

1399

ROSE ANN SIMPSON
Notary Public, State of New York
No. 0199216003
Qualified in Dutchess County
Commission Expires January 4, 2014