STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE

TOWN BOARD MEETING
August 27, 2014

Present:	Supervisor Alan Bell Councilman 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 Wanda Livigni, Planning & Public Works

The regular meeting of the Town Board was held on Wednesday, August 27, 2014, at 120 Stringham Road, Town of LaGrange. Supervisor Bell called the meeting to order at 7:00 pm. The Town Clerk led the flag salute.

Mr. Dyal texted the Board to inform them that he could not be in attendance due to illness.

Mr. Bell asked for a motion to accept the minutes for August 13, 2014. Councilman Jessup moved to do so, seconded by Councilman Luna. The motion carried unanimously.

Agenda

Mr. Jessup offered an oral resolution opposing the proposed Cricket Valley Energy Group transmission tower project. He stated that after attending the informational meeting in Pleasant Valley earlier this month, he found that the group intended to erect 10-11 towers which would be anywhere from 140 to 180 feet high. The towers would be located in the Rossway Mountain Road area. Current towers in the area are 90 feet tall. The height would conflict with the Town's Ridgeline Protection and Open Space policies.

Councilman Jessup, seconded by Councilman Polhemus moved to memorialize the Town Board's strong opposition to the proposed construction of the towers with the following points:

- The towers should be no higher than 90 feet
- They should reflect state of the art technology and execution when constructed
- The project should consider underground placement of AC transmission lines if possible

- The construction of the project should be delayed until the Reforming Energy Vision Study has been completed
- The project should respect the Town's Open Space and Ridgeline Protection Policies.

The following vote was taken:

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

Mr. Bell stated that the height is twice as high as the group originally stated, adding that there are multiple energy groups trying to set up towers. No visual study has been presented which would give the Town an accurate picture of their impact. Councilman Luna added that the group had strongly misrepresented the project and Mr. Bell agreed.

At the June 25th meeting, the Board had planned to consider an audit of consulting and legal fees incurred because of applications to the Planning Board and Zoning Board of Appeals regarding the erection of a ham radio tower. The applicant, Myles Landstein, had not been present at the meeting and his attorney had asked to delay a determination until his client could appear before the Board.

Mr. Blass stated that the matter is currently pending before the ZBA and has been pending since 2012. The proposed ham radio tower would be located in the Ridgeline Protection Overlay Zone. Mr. Landstein's neighbors paid to have a visual impact study done which showed that the tower height of 100 feet is significantly above the height allowed in a Ridgeline Protection Overlay Zone. Mr. Blass stated that the applicant has amended his application to reduce the tower height to 70 feet, which appears to be about the height of tree cover. Mr. Landstein had been asked to defray the expenses associated with his application per Town Code 240-88.The expenses were primarily legal with some engineering and storm water management fees included.

Mr. Landstein has objected to paying the fees and the Town Board has taken it upon itself to determine the reasonableness of the fees. Under FCC regulation PRB-1 amateur and licensed ham radio operators are entitled to reasonable accommodation with regard to local land use regulations, of which the fees are a component. Mr. Blass added that he had reviewed the legal portion of the fees and had taken out all preparatory legal costs so that the total fees would be reduced from $17,481.00 to $5,874.00.

Mr. Adams stated that he had made a substantial offer to Mr. Blass regarding escrow.

Mr. Luna asked him to not mix up escrow fees with the legal fees which Mr. Blass had just spoken about.

Mr. Adams stated that his client was never informed of nor was he ever aware of the extent of the legal fees that were accumulating.

Mr. Jessup stated that Mr. Adams had used the term "ambushed" with regard to the fees at the June 25th meeting, adding that Mr. Landstein had received numerous emails regarding the fees and therefore Mr. Adams' statement was a misrepresentation of the facts.

Mr. Landstein stated that there is a discrepancy between what the Town says he received by any means regarding the fees owed. He claimed that his is the first time he heard about any emails. He also stated that he never got any hard copy of the fees owed or possibly he received one. In addition, he never got any communication from the Town until after the fact and once again stated that he never got any emails. He added that he always paid escrow amounts as soon as he knew about them. He objected to the Planning Board's request for outside consultant studies to be done since they would cost more than the total cost of the proposed ham radio tower. He decided to get legal representation when fees began to outpace the cost of the project. He does not know exactly how much he has paid so far.

Mr. Blass stated that a total of $750.00 has been paid since 2011. Ms. Livigni stated that those monies were for the Town engineer to review the visual impact report.

Mr. Luna asked about Mr. Landstein's decision to hire an attorney.

Mr. Adams took exception to the question, stating that he was being paid by a third party and that his goal was to challenge the fees which the Town charges as well as giving assistance to get the tower project approved.

Mr. Luna stated the fees are reasonable since they were incurred as a result of Mr. Landstein's application. He asked Mr. Adams about the delays in resolving the matter.

Mr. Adams admitted that there was culpability on his part as well as other causes for the delays. He also expressed his desire to get the matter resolved, and asked for time to contact all of the parties involved. Once that was done, he would be able to negotiate a resolution with Mr. Blass.

Mr. Bell asked if two weeks would be enough time, adding that should Mr. Adams need more time the matter could be postponed until the meeting on September 24th. Mr. Adams agreed.

Ms. Livigni adamantly disagreed with the characterization that any of these escrows or the understanding of them was not given. She added that she had personally explained the escrows to Mr. Landstein and the consultants they would be for. She stated once again that letters had been sent to Mr. Landstein as well as emails, some of which were also sent to Mr. Adams.

Ms. Livigni stated that the current fees are only to date. The application is still before the ZBA. Should the applicant appear again in front of the Planning Board there will be fees for Stormwater Management, Clark Patterson Lee and the Town attorney.

Mr. Blass stated that the matter in front of the ZBA should not proceed until the matter is resolved. Mr. Adams agreed that the applicant would not go before the ZBA until the matter is resolved.

The Highway Superintendent requested permission to go out to bid for Highway Materials and Road Sweeping for the contract period October 1, 2014 through September 30, 2015. (SEE ADDENDUM)
Councilman Polhemus, seconded by Councilman Jessup moved to approve the request. The motion carried unanimously.

The Building Inspector received permission to attend the 2014 Educational Conference in Liverpool, NY at the July 9, 2014 Town Board Meeting. He requested an additional $85.00 to cover transportation and tolls.
Councilman Jessup moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

The Tax Assessor requested permission to attend the NYSAA/Assessment Administration & Annual Meeting from October 5, 2014 to October 8, 2014 in Lake Placid, New York. The cost to the town will be $1,057.00.
Councilman Polhemus, seconded by Councilman Jessup moved to approve the request. The motion carried unanimously.

The Building Inspector requested approval to return the building permit fee to BVM Builders, Inc. in the amount of $110.00. Councilman Luna stated that the only amount that should be returned when a project does not go forward should be the actual Building Permit Fee, which is $100.00. He added that the other fees (Administrative and Zoning Review) should not be returned since the work for the project had already been done.

Councilman Luna made a motion to amend the fee return policy on building projects to reflect this. Councilman Jessup seconded the motion and it was carried by all.

Councilman Jessup, seconded by Councilman Luna moved to approve the return Building Permit Fee of $100.00 to the applicant, BMV Builders, Inc. The motion was carried by all.

Supervisor Bell asked for a motion to issue a Proclamation Honoring the Replication of the Marquis De Lafayette's L'Hermione. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried. (SEE ADDENDUM)

Committee Reports

Water and Sewer
No report

Recreation
No report

Open Space
Mr. Jessup stated that Karin from Dutchess Land Conservancy had contacted him regarding a possible donation of a property with frontage on the Wappinger Creek. The dedication of the Jon Wagner Memorial Garden will take place on August 28, 2014 at 3:30 pm at Town Hall.

Highway
The new equipment is arriving.

Business Economic Development
No report

Town Attorney
No comment

Administrator of Planning and Public Works

Ms. Livigni recommended that the Board set a starting escrow in the amount of $1,000.00 for Page Park Associates for a property located at Route 55 and the Taconic State Parkway (northeast corner). Councilman Luna, seconded by Councilman Jessup moved to approve the recommendation. The motion carried.

Public Comment

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

Al Rabasco commended the Board for passing a resolution opposing the Cricket Valley Energy Group transmission tower project. He asked the Board to consider hiring an attorney who currently represents several citizen groups as well as some neighboring towns in their fight against the towers. The attorney would apply for intervener funds. The application for the funds must be received by September 2nd. A discussion followed. The Board was concerned about any out of pocket expense to the Town.

Councilman Luna seconded by Councilman Jessup moved to authorize Supervisor Bell to contact the attorney Mr. Rabasco recommended with the stipulation that the expense to the Town would not exceed $1,000.00. The motion carried unanimously.

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

Town Board Discussion

Councilman Jessup stated that there will be a triathlon in Freedom Park on September 6, 2014 to benefit Grace Smith House. On September 20, 2014 at 7:30 pm there will be a free showing of *THE LEGO MOVIE* at Freedom Park.

Supervisor Bell moved to adjourn the meeting to Executive Session at 8:23 pm to discuss contractual agreements regarding Daley Farms PDD. Councilman Luna seconded the motion and it carried unanimously.

Councilman Polhemus moved to adjourn at 8:45 pm, seconded by Councilman Jessup. The motion was carried by all.

Respectfully Submitted,

Christine O'Reilly-Rao

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Memo: Highway Materials Bid Request
- Proclamation and Letter: Replication of the Marquis de Lafayette's L'Hermione

TOWN OF LAGRANGE
HIGHWAY DEPARTMENT

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

August 21, 2014

Town Board,

I am requesting permission to go out for bid on Highway Materials and Road Sweeping for the contract period October 1, 2014 through September 30, 2015 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
Topsoil
Road Sweeping

Thank You,

Michael Kelly
Superintendent of Highways

PROCLAMATION

Honoring the Replication of the Marquis De Lafayette's L'Hermione and its recreation of the 1789 Voyage from Rochefort, France to the United States

WHEREAS, Town of LaGrange, New York recognizes the aid given by Marquis de Lafayette to General Washington during the battle for independence from England; and

WHEREAS, Town of LaGrange, New York honored his contribution by naming the town after the French Chateau of Lafayette; and

WHEREAS, A replica of the frigate L'Hermoine has been built and will recreate the 1789 voyage of Marquis de Lafayette in 2015;

NOW THEREFORE, BE IT RESOLVED, That on behalf of its residents, the Town of LaGrange, New York, hereby issues a proclamation honoring the frigate L'Hermione and its Captain.

In witness whereof, I hereunto set hand and seal of the Town of LaGrange

Alan Bell, Town Supervisor

66 Bittersweet Lane

Slingerlands, New York 12159

Saturday, August 9, 2014

Alan Bell, Town Supervisor

Town of LaGrange Offices

LaGrange, New York 12540

Dear Supervisor Bell,

I am writing to you on behalf of the Rochefort American High School Alumnae Association because your town has an association with the Marquis de Lafayette, a young French general who fought in the Revolutionary War with George Washington. LaGrange was the name of Lafayette's chateau in France.

My alumnae association will be greeting the replica of the French naval frigate Hermione (a tall ship) when it docks in Philadelphia sometime in the summer of 2015. The Hermione is of historic importance because Lafayette returned to the Revolutionary War in 1780 on this naval frigate with French soldiers and a message from the King Louis XVI stating that France would officially support the colonists with soldiers and navy. With Lafayette's encouragement French help made it possible for the colonists to win their war for independence.

Our high school, which existed from 1953-1958, was situated on a small US Army base in the city of Rochefort, France. The school and dormitories were located right next to the dry dock where the replica of the ship Hermione was built over the past ten years. We will be excited to view the ship in Philadelphia at our 2015 reunion.

Could your town with its Lafayette association write a proclamation of appreciation that would be included with other town proclamations? Our alumnae association will present them to the captain of the Hermione when it docks in Philadelphia. Send your proclamation to the following address:

Lance M. Burris, 1011 Cedar Glen Drive South, Plainfield, Indiana 46168

As a lifelong New York State resident, except when travelling with my father to army posts throughout the country and world, I hope you will send a proclamation. I want to see places associated with Lafayette in New York State represented on this historic occasion!

Sincerely,

Charlotte Reed Stearns

Charlotte Reed Stearns

received 8/10/14