

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

**TOWN BOARD MEETING
July 22, 2015**

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

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
Sandy Washburn, Parks & Recreation

The regular meeting of the Town Board was held on Wednesday, July 22, 2015, 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. Bell asked for a motion to accept the minutes for July 8, 2015. Councilman Jessup moved to do so, seconded by Councilman Luna. The motion carried unanimously.

Mr. Bell asked for a motion to accept the monthly report for Parks and Recreation in the amount of \$75,046.00. Councilman Polhemus, seconded by Councilman Jessup moved to accept the report. The motion carried unanimously.

Agenda

Ms. Washburn gave a power point presentation on a proposed Nature Play Trail and Discovery Center for Freedom Park. The proposal would use the existing trails and would enhance them with play stations. Eagle Scout projects will build a tree house and log cabin. The initial cost would be nominal, as most work will be done by volunteers and Park employees. The project would utilize wood from the park as material for the play stations. A second phase with a learning center could possibly be added at a future date. More details may be found on the Parks & Recreation website and Facebook page.

The Board thanked Ms. Washburn for the presentation and gave their approval for Phase I of the project to move forward.

Supervisor Bell asked for a motion to accept an Amended Fee Schedule for Building, Planning & Zoning. A brief discussion ensued.
Councilman Jessup moved to accept the Amended Fee Schedule, seconded by Councilman Luna. The motion carried unanimously.(SEE ADDENDUM)

Highway Superintendent Kelly requested approval to go out to bid for Liquefied Petroleum (LP Gas Propane for the contract period of October 1, 2015 through September 30, 2016. A brief discussion on the Central Hudson gas line followed.
Councilman Polhemus moved to approve the request, seconded by Councilman Jessup. The motion carried.

Councilman Jessup move to accept the Town's Escrow Policy, seconded by Councilman Luna. The motion was carried by all. (SEE ADDENDUM)

Resolution: Amending in its Entirety Section 240-88, "Engineering, Legal & Consulting Fees" (SEE ADDENDUM)

Committee Reports

Water and Sewer

No report

Recreation

Mr. Polhemus stated that the Parks crew has been doing a great job.
Ms. Washburn stated that the day camp sessions and swim lessons are pretty much sold out. Weekend attendance at the lake is up due to the new day passes offered to no-residents. The swim team has 70 members. Coast Guard approved vests are permitted at the lake.
Thirty four residents and forty five non-residents have purchased dog tags for the dog park. There are still problems with pit bulls and non licensed dogs using the park. Ms. Washburn is looking for grant money to add special needs swings in the parks. Due to vandalization in the parks, trespassers will be arrested after dusk. The football club is requesting access to WiFi at Overlook Park.

Mr. Polhemus stated that there are hot spots in the parks in both the village and town of Wappinger where you can access WiFi. A brief discussion followed.

Open Space

Mr. Jessup stated that Mr. Htoo will be available to walk the Menken property on July 30th. A meeting regarding the proposed Cricket Valley towers will be held tomorrow at Town Hall at 11:00 am.

Highway

No report

Business Economic Development

Mr. Jessup stated the next meeting will be held on August 3rd.

Administrator of Planning and Public Works

Ms. Livigni stated that the contractor for the Titusville – Noxon project has hit rock. She added that she is not too concerned since the Town borrowed more than the estimated cost of the project. Inaccurately reflected line on the Central Hudson maps has resulted in a re-location of line as well.

Public Comment

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

There were no comments.

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

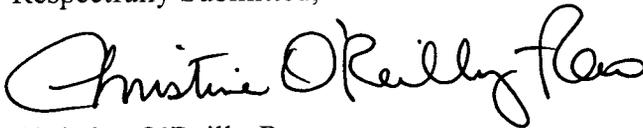
Town Board Discussion

Councilman Luna opened a discussion on the proposed Solar Farm. Issues relating to set back, screening, buffering and requiring a site plan review were discussed. Ms. Livigni will review the current draft for the next workshop meeting. Mr. Blass will review the Solar Farm contract in relation to SEQR.

Supervisor Bell stated that the new website is in beta testing and looks great.

Councilman Jessup moved to adjourn the meeting at 8:48 pm, seconded by Councilman Luna. The motion carried unanimously.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Amended Fee Schedule
- Escrow Policy
- Resolution: Amending Section 240-80

TOWN OF LAGRANGE
OFFICE OF THE BUILDING INSPECTOR
 120 Stringham Road, LaGrangeville, NY 12540
 845-452-2046; Fax 845-452 7692

DATE: July 17, 2015

TO: Alan Bell, Supervisor
Town Board

FROM: Office of the Building Inspector
Kenneth W. McLaughlin

RE: Amended Fee Schedule

This office is requesting permission to amend the fee schedule to include the following fees:

Site inspection not regulated under a permit: \$50.00; The fee will be applied to the Building Permit if required.

Planning Board fee for commercial ground solar panels site approval (special permit) \$250.00

Utility Transmission Line Poles & Towers:

	<u>Zoning Review</u>	<u>Floodplain Review</u>	<u>Admin.</u>	<u>Permit</u>	<u>Total</u>
35' and under	\$50.00	\$10.00	\$10.00	\$200.00	\$270.00
Over 35' – 50'	\$50.00	\$10.00	\$10.00	\$300.00	\$370.00
Over 50'	\$50.00	\$10.00	\$10.00	\$500.00	\$570.00
<u>Residential</u>					
Extension to Existing	\$25.00	\$10.00	\$10.00	\$ 75.00	\$120.00
Deck/porch					
Masonry Chimney	\$10.00	\$10.00	\$ 5.00	\$ 100.00	\$125.00
Generator backup transfer switch only		\$10.00	\$ 5.00	\$ 25.00	\$ 40.00
Ground Mounted Solar Panels	\$25.00	\$10.00	\$10.00	\$130.00	\$175.00

Town of LaGrange: Escrow Policy

Town's Consultants: Attorney, Engineer, Stormwater, or Others

The Town Comptroller is responsible for all official financial budgets. The Town Comptroller must receive all original invoicing. If invoices are not authorized by Department Heads, then a written explanation must be provided within 5 business days, of that Department's receipt, to the Comptroller's Office. At no time are invoices to lapse beyond the close out of the fiscal year without written explanation to the Comptroller's Office.

The Administrator of Planning and Public Works is responsible for management and oversight of Town's Consultants' work. The Administrator of Planning and Public Works' Office will maintain unofficial escrow budgets to assist both the Comptroller's Office, as well as its own office.

This escrow policy is intended to provide guidelines with the Town, Planning and Zoning Boards for the following consultants: Town's Attorney, Town Engineer and Town Stormwater Consultant, as well as any others authorized (i.e. Conflict Consultants, specialty Consultants) by the Town Board.

Procedure:

Prior to any reviews, discussions, meetings with Town Consultants, the appropriate Department Head and the Administrator of Planning and Public Works will be contacted by the applicant/Professional to discuss the nature, scope and intent of the application. Based upon that review, and prior upon experience in comparable matters, the Department Head & the Administrator of Planning and Public Works will determine which Consultant (or conflict consultant) will be utilized (Attorney, Engineer, Stormwater). The Administrator of Planning and Public Works will recommend a starting escrow amount to the appropriate Board for their action. The appropriate Boards are to use this as a guideline, however they retain all rights to deny or adjust the escrow amount based upon experience in comparable matters.

Once the escrow account is opened, the Board or their appropriate recording secretary or the Administrator of Planning and Public Works will notify the Town Comptroller of the escrow authorization. The Comptroller and the Administrator of Planning and Public Works will jointly determine an escrow name to be maintained throughout the application process.

The Planning & Public Works Department (P&PW Dept) will receive all documents pertaining to the application from either the applicant/their Professional. P&PW Dept will distribute to the appropriate consultant and receive preliminary proposals for all reviews. Preliminary proposals are to be based on a 'not to exceed' amount and based on the submission presented. Subsequent submissions or meetings will require additional proposals. P&PW Dept will authorize consultant work once all escrow monies are received. In the event unanticipated work is required between submissions or at any other time, , there will be additional need for escrow

monies for any and all consultant time/work. Non-exclusive examples of unanticipated work would be Applicant Attorney to Town's Attorney conferences, exigent developments requiring legal intervention or assistance to town officials in the management of applications or related SEQRA proceedings, requests or requirement for consultant(s) meeting to explain or review changes prior to a future submission, or the necessity for any Town's Consultant to attend an unanticipated Board meeting. It is recognized that not all applications, applicants or applicant's agents are the same. Applications vary in scope and complexity. There may be significant variation in the timeliness, quality, completeness, and cooperativeness of submissions or presentations on behalf of applications. These variations are legitimate factors in establishing and administering escrow deposits.

At no time will any minor project's (i.e. subdivision of 2 lots, special use permits [special use permits can be significant in scope], lot line realignment, etc) escrow drop below \$200. Furthermore, major project's escrow shall not drop below \$2000. If escrow is not replenished to maintain the minimum, then the associated application will not be placed on any Board agenda, nor have any further reviews occur, nor conduct any meetings in which consultants' are present, until such time that monies are received.

The Town Comptroller will receive all invoicing from all Town Consultants. Upon receipt and logging, the Comptroller's office will distribute invoices to the P&PW Dept for confirmation of work performed or circulation to appropriate department. P&PW Dept is responsible for oversight of all Consultant work. Upon confirmation, explanation of lack of payment and or distribution to other department, the P&PW Dept or other Department will return to the Comptroller's Office all invoicing received.

P&PW Dept will track all proposals and maintain informal escrow balances. At the request of P&PW or the Comptroller's Office, review of individual escrows will occur as needed to ensure conformance with the official Comptroller's accounting being performed.

All approvals from all Boards will stipulate that payment of all fees and escrow monies will be a condition of said approval.

The applicant is entitled to any remaining balance within their escrow account. All escrow monies must be returned to the original party. If there is a change in ownership, then the new party must have written documented/notarized approval from the original party to receive such monies to the satisfaction of the Town Comptroller. The applicant must request the balance of the escrow in writing at a minimum 6 months after final approval resolution from the Town Board and or Zoning Board of Appeals or after 6 months from the Planning Board Chairman's signature on the approved plans. Therefore, the Town Consultants will be required to have all final invoices in prior to that deadline. If Consultants need additional time, they must notify P&PW Dept of why and provide a deadline, if possible. At the discretion of the P&PW

Department, escrow accounts may be closed due to lengthy inactivity or application withdrawal.
The original party will be contacted to close the account.

U:\DOCS\00070\00001\MUNICIPAL\2239629.DOCX

RESOLUTION OF INTRODUCTION
OF LOCAL LAW

WHEREAS, Supervisor Bell introduced the following local law for the Town of LaGrange to be known as Local Law No. ___ of 2015, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING IN ITS ENTIRETY SECTION 240-88, "ENGINEERING, LEGAL AND CONSULTING FEES", OF THE LAGRANGE TOWN CODE.

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

Section 1. Section 240-88 of the Town Code is amended in its entirety to read as follows:

§ 240-88. Engineering, legal and consulting fees.

A. Where the Town Board, Planning Board or the Zoning Board of Appeals uses the services of private engineers, attorneys or other consultants for purposes of engineering, scientific, land use planning, environmental, legal or similar professional reviews of the adequacy or substantive aspects of applications, or of issues raised during the course of review of applications, for special permit approvals , project development plan approvals, subdivision approvals, use or area variances, applications for rezoning of parcels to accommodate site-specific land

development proposals or otherwise, open development areas, applications for permits to extract topsoil or natural resources, or for any other or ancillary land use or development permits or approvals required under the Town Code, or to assist in assuring or enforcing an applicant's compliance with the terms and conditions of all the aforementioned administrative and legislative permits or approvals, the applicant and landowner, if different, shall be jointly and severally responsible for payment of all the reasonable and necessary costs incurred by the Town for such services. In no event shall that responsibility be greater than the actual cost to the Town of such engineering, legal or other consulting services.

- B. The Town Board, Planning Board, or Zoning Board of Appeals may require advance periodic monetary deposits to be held by the Town of LaGrange on account of the applicant or landowner to secure the reimbursement of the Town's consultant expenses. The Town Board shall establish policies and procedures for the fixing of escrow deposits and the management of payment from them. After audit and approval of itemized vouchers, by the Town Comptroller as to reasonableness and necessity of the consultant charges, based in part upon recommendation of the Administrator of

Planning and Public Works, the Town may make payments from the deposited funds for engineering, legal or consulting services. Upon receipt of request by the applicant or landowner, the Town shall supply copies of such vouchers to the applicant and/or landowner reasonably in advance of audit and approval, appropriately redacted where necessary to shield legally privileged communications between Town officers or employees and the Town's consultants. When it appears that there may be insufficient funds in the account established for the applicant or landowner by the Town to pay current or anticipated vouchers, the Town shall cause the applicant or landowner to deposit additional sums to meet such expenses or anticipated expenses in accordance with policies and procedures established by the Town Board. No review shall be undertaken by consultants on any matter scheduled before the Town Board, Planning Board or Zoning Board of Appeals until the an initial escrow deposit has been made, or until requested replenishment of the escrow deposit has been made. No reviewing agency shall be obligated to proceed unless the applicant is in compliance with escrow deposit requirements.

- C. A consultant expense or part thereof is reasonable in amount if it bears a reasonable relationship to the

customary fee charged by engineers, attorneys or planners within the region for services performed on behalf of applicants or reviewing boards in connection with comparable applications for land use or development. The Town may also take into account any special conditions for considerations as it may deem relevant, including but not limited to the quality and timeliness of submissions on behalf of the applicant and the cooperation of the applicant and agents during the review process. A consultant expense or part thereof is necessarily incurred if it was charged by the engineer, attorney or planner, or other consultant, for a service which was rendered in order to assist in the protection or promotion of the health, safety or welfare of the Town or its residents; to assist in the protection of public or private property or the environment from potential damage that otherwise may be caused by the proposed land use or development, including but not limited to damage from uncontrolled surface water runoff or other environmental factors; to assure or assist in compliance with laws, regulations, standards or codes which govern land use and development; to assure or assist in the orderly development and sound planning of a land use or development; to assure the proper and timely

construction of public improvements, parks and other facilities consistent with conditions of approval, which affect the public welfare; to protect the legal interests of the Town, including receipt by the Town of good and proper title to dedicated highways and other facilities, to remedy correction of defects arising during any post-dedication maintenance period; to avoid claims against and liability of the Town; or to promote such other interests that the Town may specify as relevant.

- D. Upon request of the applicant or landowner, the Town Board shall review and audit all vouchers and shall determine whether such engineering, legal and consulting expenses are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications for land use or development approvals or for the monitoring, inspection or enforcement of permits or approvals or the conditions attached thereto. In the event of request, the applicant or landowner shall be entitled to be heard by the Town Board on reasonable advance notice.
- E. The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of LaGrange for funds expended to compensate for services rendered to the Town

under this section by private engineers, attorneys or other consultants. In order for a land use application to be complete, the applicant shall provide the written consent of all owners of the subject real property, both authorizing the applicant to file and pursue land development proposals and acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. The applicant and the owner shall remain responsible to reimburse the Town for its consulting expenses notwithstanding that the escrow account may be insufficient to cover such expenses. No plat or plans will be signed and no building permit or other permit shall be issued until reimbursement of costs and expenses determined by the Town to be due. In the event of failure to reimburse the Town for such fees, the following shall apply:

- (1) The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action venued in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.
- (2) Alternatively, and at the sole discretion of the Town,

a default in reimbursement of such engineering, legal and consulting fees expended by the Town shall be remedied by charging such sums against the real property that is the subject of the land development application, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

Section 2. The provisions of this local law shall apply to all engineering, legal or consulting fees incurred by the Town with regard to applications or matters pending on or after the

effective date of this local law.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

WHEREAS, Supervisor Bell advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this local law. Councilman Jessup offered the following resolution which was seconded by Councilman Polhemus, who moved its adoption:

WHEREAS, on July 22, 2015, Supervisor Bell has introduced this local law for the Town of LaGrange, to be known as Local Law No. ____ of 2015, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING IN ITS ENTIRETY SECTION 240-88, "ENGINEERING, LEGAL AND CONSULTING FEES", OF THE LAGRANGE TOWN CODE.

LET IT BE RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, LaGrangeville, New York on August 26, 2015, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general

circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on August 26, 2015, at 7:00 o'clock p.m. prevailing time, on Local Law No. ___ of 2015, a Local Law of the Town of LaGrange, Dutchess County, New York, amending in its entirety section 240-88, "Engineering, legal and consulting fees", of the LaGrange Town Code.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York, between the hours of 8:30 a.m. and 4:00 p.m. on all business days from the date of this notice the date of the public hearing.

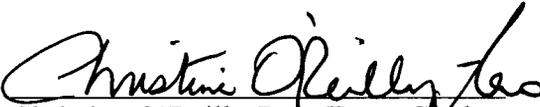
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
July 22, 2015

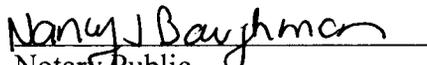

CHRISTINE O'REILLY-RAO,
TOWN CLERK

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 23rd day of July, 2015 I duly caused a copy of the attached Notice of Public Hearing for a proposed LOCAL LAW OF THE YEAR 2015, OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING IN ITS ENTIRETY SECTION 240-88 OF THE LAGRANGE TOWN CODE, "ENGINEERING, LEGAL AND CONSULTNG FEES" to be conspicuously posted on the sign-board maintained by the Clerk's Office, located at 120 Stringham Road, La Grangeville, New York; pursuant to Town Law.


Christine O'Reilly-Rao, Town Clerk

Sworn to before me this
23rd day of July 2015


Notary Public

NANCY J. BAUGHMAN
Notary Public, State of New York
Qualified in Dutchess County
No. 01BA6129543
Commission Expires: June 27, 2017

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

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

Dated: La Grangeville, New York
July 22, 2015


CHRISTINE O'REILLY-RAO
TOWN CLERK, TOWN OF LAGRANGE

U:\DOCS\00070\00001\LL\2249857.DOC