

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

**TOWN BOARD MEETING  
February 11, 2009**

**Present:** Councilman, Joseph Luna  
Councilman, Dale Borchert  
Supervisor, Jon J. Wagner

**Absent:** Councilman, Gary Beck  
Councilman, Steve O'Hare

**Recording Secretary:** Margaret Schmitz, Deputy Town Clerk

**Others Present:** Wanda Livigni, Administrator of Public Works  
Peter Huff, Director of Parks and Recreation  
Steve Mance, Environmental Consultants  
Rebecca Valk Esq., Van De Water & Van De Water

A regular meeting of the Town Board was held on Wednesday, February 11, 2009, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Deputy Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes from December 17, 2008, January 14, 21, 30, and February 4, 2009. Councilman Luna moved to do so, seconded by Councilman Borchert and carried unanimously.

Supervisor Wagner asked for a motion to accept the monthly reports for January 2008. Councilman Borchert so moved; seconded by Councilman Luna and carried by all.

Building, Planning, Zoning & Public Works:	\$6,965.00
Highway Superintendent:	\$00.00
Justice Caplicki - including State share	\$36,015.00
Justice Greller - including State share	\$21,247.00
Town Clerk – including State and County share	\$5,089.15

Supervisor Wagner asked for a motion to amend the minutes for December 19, 2007 to reflect that an oral resolution had been passed to name a road, Brenner Hollow. Councilman Borchert asked that the amendment include a spelling correction for Mr. Rudy Macak of 911.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVED:</b>	<b>Councilman Luna</b>
<b>SECONDED:</b>	<b>Councilman Borchert</b>
<b>AYES:</b>	<b>Luna, Borchert, Wagner</b>
<b>NAYS:</b>	

### **Resolution of Waiver of 30 day waiting period for a Liquor License.**

Supervisor Wagner requested a motion to waive a 30 day waiting period for a liquor license for Susan Zolko, D/B/A Lil Sue's Hideaway Café, 702 Freedom Plains Road, Poughkeepsie. Councilman Borchert so moved, seconded by Councilman Luna, carried unanimously. See Addendum for Resolution.

Supervisor Wagner requested a motion to waive the 30 day waiting period for a liquor license for Karen Morley, Inc. D/B/A Hideaway Café, 702 Freedom Plains Road, Poughkeepsie. Councilman Borchert so moved, seconded by Councilman Luna, carried unanimously. See Addendum for Resolution.

### **Correspondence and Supervisor's Report**

Supervisor Wagner received correspondence from the Town of Fishkill inviting school districts to a Summit on Inter-Municipal Sharing to be held on February 19, 2009 at 10 a.m. in their Town Board Meeting Room.

Supervisor Wagner wanted to put on the record a "Thank You" to everyone in the Town Hall for putting up with the reconstruction and repairs from the roof leak of February 2008. There is some work still to be done with fine tuning. Electrical systems had to be moved to make way for new heating systems. Major roof repairs will continue as leaks persist. A major overhaul of the roof has to take place. He stated that employees in Town Hall have been "absolute troopers" through the whole process and everyone has been cooperative, including the public.

Supervisor Wagner stated he wrote a letter as President of the Mayors and Supervisors Association which was sent to the Governor opposing the proposed MTA Tax. State elected officials will vote on this. The Poughkeepsie Journal did a front page story informing the public that they are already paying five taxes and this would be a sixth tax. Supervisor Wagner asked for a motion to adopt the Mayors & Supervisors Association's Language and send a similar letter opposing the proposed MTA Tax. Councilman Borchert so moved, seconded by Councilman Luna, carried by all.

A matter that has been recently brought to the Supervisor's attention in which the Governor has included in the legislative or administrative section of the State Budget, language which would allow municipalities to very easily abolish the positions of Town Clerk, Receiver of Taxes and Superintendent of Highways and substitute them with appointed positions. In his opinion the voters elected them to those offices and they should stay elected to those offices. The provisions

they are asking for say that 150 days before any biennial Town election, the Town Board can pass a resolution turning any one or all of those positions into appointed positions. This would be subject to public referendum, but if no one takes the time to go out and get petitions, the petitions become appointed. More research will be done and further information may be available at the next meeting. The Supervisors and Mayors Association, and possibly the Highways Superintendents Association, Tax Collectors Association, Clerks Association and Assessors Association will oppose the legislation. It most likely will not be a cost savings for municipalities but will cost money.

There has been a problem with the Town's website; there is a virus. We have been attacked from the outside. The Town's IT person has said this is fairly common place and that it is from some kind of offshore computers that are searching out data. They are phishing for data and identity theft information. For the time being the website is shut down until the problem can be resolved.

On behalf of the Town Board, it is a sad day, with today's issue of the Voice Ledger being the last issue. The entire Southern Dutchess News is gone, which leaves only the Poughkeepsie Journal for posting.

### **Appointments**

A couple of appointments were overlooked at the Organizational Meeting in January. Supervisor Wagner asked for a motion to appoint Vincent Osoba as Deputy Building Inspector and Tim Sales as Fire Inspector; both part-time positions. Councilman Luna so moved, seconded by Councilman Borchert, carried by all.

Building Inspector, Ken McLaughlin, requests Board approval to amend the fee schedule (See Addendum). Supervisor Wagner asked for a motion to approve the fee schedule, so moved by Councilman Luna, seconded by Councilman Borchert, carried by all.

Mr. McLaughlin requests Board approval for a refund of a non-executed building permit for DMJ Distribution & Supply, Inc. in the amount of \$250.00 (See Addendum). Councilman Luna made the motion with an addition that the \$25.00 application fee not be refunded. A refund of \$225.00 would be due if the application fee was included in that figure and \$250.00 if the application fee was not included. The motion was seconded by Councilman Borchert, carried by all.

Receiver of Taxes, Jane Sullivan requests acceptance of her 2008 annual report (See Addendum). Supervisor Wagner requested a motion to accept the 2008 annual report, so moved by Councilman Borchert, seconded by Councilman Luna, carried by all.

### **Committee Reports**

**Water and Sewer Committee** - Councilman Luna reported everything is moving along nicely; Grandview is finally without a problem.

## **Open Space Committee**

Councilman Borchert reported that the Committee met in January to begin working on an application packet for property owners that wish to apply for their property to be part of the Open Space Program. The packet is anticipated to be ready by spring.

For the record, Supervisor Wagner announced that there is a gentleman who is looking to donate 15 acres on Freedom Road to the Open space Program. Wanda Lavigni, Administrator of Public Works advised the Board that the property is predominantly wetland.

There were no reports from any other committees or departments.

## **Town Board Comments**

Councilman Luna introduced the Wappinger Creek Watershed Inter-Municipal Council's Resolution supporting the WIC Goals for 2007 – 2010 and requested that the Board introduce the language for our document and requested the Board pass a resolution making these our goals as well. Councilman Borchert questioned if the Conservation Advisory Council (CAC) had seen the document yet. It was agreed by the Board that a resolution would be drafted in our format and forwarded to the CAC for consideration and would be revisited in two weeks.

## **Town Attorney**

Rebecca Valk, Esq. introduced an "Order to Set a Public Hearing" for the Providence Estates Subdivision Stormwater Maintenance District for March 11, 2009 (See Addendum). It is a condition of final approval to have a drainage district formed for this subdivision. Supervisor Wagner asked for a motion to approve the resolution to set the Public Hearing for March 11, 2009. Councilman Borchert so moved, seconded by Councilman Luna, carried by all. A discussion on the language followed.

Supervisor Wagner revisited the subject of the Town Website and mentioned that the condition of the Website may not be returned to its original condition and is expected there may be a loss of data such as agendas, meeting minutes, etc. Councilman Borchert mentioned that the link for Arlington High School on the Town Website also was not working and questioned if the web address had possibly been changed. Rebecca Valk, Esq., suggested that we still store the minutes and agendas electronically for historical purposes and post only three or four years on the website.

Supervisor Wagner asked for a motion to open the meeting to public comment, Councilman Borchert so moved, seconded by Councilman Luna, carried by all.

## **Public Comment**

Allison Withers, of Freedom Plains Road, representing the Library reported that usage has increased. In 2008 usage was up 8% from 2007 and January it was up 7% over the previous January. People are applying for jobs using the computers; new patrons are taking out library cards and using them. A bridge group is meeting once a week. The Historical, LaGrange History, Dutchess County, Lincoln Celebration is tomorrow. The Library Website is working well. The library is encouraging people to adopt a magazine to help reduce the cost of subscriptions. Donors would pay the subscription fee and the magazine would show their name as the donor. There is a list on the Library website of magazines that can be adopted.

## **Environmental Consultants**

No report

Supervisor Wagner asked for a motion to return to the normal order of business, Councilman Borchert so moved, seconded by Councilman Luna, carried by all.

Supervisor Wagner asked for a motion to adjourn, Councilman Borchert so moved, seconded by Councilman Luna, carried by all.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Margaret Schmitz  
Deputy Town Clerk

## **ADDENDUM**

- **Resolution – 30 day waiver for liquor license; Susan Zolko**
- **Resolution – 30 day waiver for liquor license; Karen Morley**
- **Fee Schedule**
- **DJM Distribution & Supply Inc. refund request**
- **Receiver of Taxes 2008 Annual Report**
- **Resolution – Order for Public Hearing, Providence Estates**