

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

**TOWN BOARD MEETING
June 10, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Steve O'Hare
Councilman Gary Beck
Councilman Dale Borchert

Recording Secretary: Christine O'Reilly-Rao

Others Present: Janis Gomez Anderson, Esq. Van De Water &
Van De Water
Peter Huff, Recreation Director
Greg Bolner, Clark Patterson Lee

A regular meeting of the Town Board was held on June 10, 2009 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. and the Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes from May 27, 2009. Councilman O'Hare so moved seconded by Councilman Beck and carried unanimously. Councilman Luna left the meeting at 7:32 p.m. and returned at 7:35 p.m.

Monthly Reports

Supervisor Wagner asked for approval of the monthly reports which include state, county and local shares.

Building and Zoning	Total \$13,735.00
Public Works	Total \$2,535.00
Planning	Total \$1,500.00
Highway Department	Total \$300.00
Justice Caplicki	Total \$32,342.50
Justice Greller	Total \$33,850.00
Town Clerk	Total \$1,454.75

Councilman Beck so moved, seconded by Councilman O'Hare and carried by all.

Correspondence

Supervisor Wagner stated that he had received a resignation letter from James O'Brien who had served as a member of the Public Safety Advisory Committee. Councilman Borchert moved to accept the resignation, seconded by Councilman Luna and carried unanimously. Mr. Wagner noted some of Mr. O'Brien's contributions to the committee which included reviewing the Dutchess County Metropolitan Transit Plan as it relates to the town of LaGrange, analyzing NYSDOT accident data to create a map of high accident roads and coordinating the Neighborhood Watch Seminar on May 13th. Mr. Wagner stated that the Board accepted Mr. O'Brien's resignation with regret.

Highway Superintendent, Mike Kelly requested Board approval to increase the fee for driveway permits from \$100.00 to \$300.00. This would be the first increase since the 1980's and reflects the increased cost of running the Highway Department and is more in keeping with fees charged by other towns.

Councilman Luna moved to approve the increase, seconded by Councilman Beck and carried by all.

Mr. Wagner had received a request from Building Inspector, Ken McLaughlin for Town Board approval to refund an application fee for a Certificate of Use in the amount of \$100.00 to Mr. Dececchis of Otto Foods since he is not planning to pursue the application.

Councilman Borchert moved to approve the refund, seconded by Councilman Luna and carried by all.

Mr. McLaughlin had also requested Board approval of a maintenance contract with American Heating & Cooling for the Town Hall.

Supervisor Wagner noted that most of the present system had been installed by this company and that it is probably a good idea to get them to maintain the equipment. The annual cost will be \$4,800.00. The current inspection contract has lapsed. There is money for this in the budget.

Councilman O'Hare moved to approve the agreement, seconded by Councilman Borchert and carried by all.

The Dutchess County Department of Planning and Development, working with the U.S. Census Bureau, has proposed a revision of the eastern boundary between LaGrange and Unionvale to more accurately reflect population growth in the area and better distribute data. This is a census boundary not an actual boundary. The census for 2010 will need the participation of a town committee in order to count everyone.

A discussion of the LaGrange Little League's playground proposal was the next item on the agenda. Ms. Livigni stated she had received a proposal from Clark Patterson Lee for a proposal for flood studies. The Town had requested the proposal to ascertain if the proposed addition of a playground would result in flooding in excess of that shown on the FEMA maps. The proposal to complete the work based on an hourly billing rate would not exceed \$25,000, including FEMA flood map revisions.

Mr. Bolner stated that the proposed location is not on the FEMA 100 year floodplain map, but historically in the past 5-6 years there has been flooding. He added that FEMA is in the process of updating the maps.

Ms. Livigni added that she had already seen the maps and there was no change on the drafts; without the process of an engineering study, the potential flooding issues will not be known. A discussion followed.

Supervisor Wagner noted that the original cost of the playground was \$66,687.80 and the study would add an additional cost of up to \$25,000. Mr. Wagner asked if the cost of the study could come from LPI money. Ms. Gomez Anderson stated that she would look into it. The Board decided not to take any action at this time.

Supervisor's Report

Mr. Wagner then introduced a new program *Think Local First* designed to spotlight the Town and support local businesses. He stated that there is a need to establish an identity for the Town. Many people think that the Town is part of Poughkeepsie or Pleasant Valley or Unionvale due to the various mailing addresses used within the Town. There are over 100 businesses in the Town and Supervisor Wagner, working with the Dutchess Regional Chamber of Commerce, would like to get them to identify themselves by their physical location in LaGrange rather than by their mailing address. Local businesses have been invited to kick off the campaign at Community Day this Saturday.

Supervisor Wagner stated that there were 2 vacancies on the Open Space Committee. He asked the Board to consider appointing Constance Kustus of Route 55 and Peter Ianucci of Skidmore Road to the committee.

Councilman Borchert stated that he had received the resignation of Joe Salfelder via e-mail. Mr. Wagner stated that the resignation should be written to the Town Clerk. Councilman Borchert moved to approve the appointments seconded by Councilman O'Hare and carried unanimously.

Supervisor Wagner introduced a resolution to settle a tax certiorari proceeding brought by Andrea Komorsky against the Town. (SEE ADDENDUM)

Mr. Wagner then introduced a Performance Bond Resolution for Sleight Farm Subdivision – Phase III from Lennar New York, LLC. (SEE ADDENDUM)

Supervisor Wagner previously introduced four potential zoning changes to the Town Board.

Mr. Wagner has asked the Zoning Board to come up with a way to address the issue of having one unregistered vehicle on a residential parcel.

No progress has been made regarding regulating the use of windmills (wind powered electrical generators) on residential and commercial properties.

Mr. Wagner asked Ms. Gomez Anderson about crafting a law locating new cell towers in non-residential areas. Ms. Gomez Anderson stated she would look into the matter.

Allowing use of a drive through in Town Center with a permit comes as a result of numerous banks interested in locating in the Town. Councilman Luna and Mr. Wagner are looking at design standards to regulate the drive through. Mr. Wagner feels that the banks should provide designs for review rather than having Town engineers doing the work.

Supervisor Wagner introduced a resolution proclaiming July 2009 as Watershed Awareness Month. Councilman Luna moved to adopt the resolution, seconded by Councilman O'Hare and carried by all. (SEE ADDENDUM)

Public Hearing

Prior to the Public Hearing, Ms. Gomez commented that the changes to the sign ordinance were intended to be more business friendly and would include increasing sign size, reducing setbacks, the inclusion of seasonal agricultural signs, business temporary signs for a limited period of time, and would give the Code Enforcement Officer the ability to remove signs which are in the Town's right of way without notice.

A discussion followed.

Councilman Luna asked that the comments received from the County be included in the record since the items he objected to are the same as those pointed out by the County. (SEE ADDENDUM)

Supervisor Wagner asked for a motion to open the Public Hearing on proposed sign ordinance legislation.

Councilman Luna so moved, seconded by Councilman O'Hare and carried unanimously. There were no comments from the public.

Councilman O'Hare moved to adjourn the Public Hearing to July 22, 2009. Councilman Borchert seconded this and it carried unanimously.

Ms. Gomez Anderson added that the sign ordinance must be reintroduced and a Public Hearing set.

Councilman O'Hare moved to reintroduce the resolution and set the Public Hearing for July 22, 2009, seconded by Councilman Beck and carried unanimously.

(SEE ADDENDUM)

Supervisor Wagner stated that there was a request from Marene Management, Route 55-Dunkin Donuts to accept their Stormwater Management Facilities Performance Bond Estimate. Walter Artus of Stormwater Management had estimated the total cost to be \$129,976.00 and recommended the maintenance bond amount to be \$25,995.00.

Councilman Borchert moved to accept the performance bond, seconded by Councilman Beck and carried unanimously.

Committee Report

Recreation

Councilman O'Hare reminded everyone that Saturday, June 13th is Community Day. He encouraged everyone to attend.

There were no other committee reports.

Town Board Comments

There were no comments.

Town Attorney

A bond resolution for borrowing \$160,000.00, subject to permissive referendum, was introduced. The bond would fund a map, plan & report for the creation of a potential "Manchester Sewer District". The bond will cover the expense of the preparation of the map, plan and report by the engineers and the attorneys for the Town. Ms. Gomez Anderson noted that the amount is up to \$160,000.00 and may not actually be as much as that. (SEE ADDENDUM)

Public Works

Ms. Livigni asked the Board to release the retainage for Metra Industries for the Mapleview Water District project which was concluded at the end of last July.

A discussion followed.

Councilman Beck made a motion to release the retainage.

Councilmen O'Hare and Luna wanted to be provided with written documentation.

Councilman Borchert stated that he would prefer to wait until the release date to approve the request rather than releasing the retainage early.

After further discussion, Councilman Beck rescinded his motion and agreed that documentation would be necessary before approval could be given.

Environmental Consultants

Environmental Consultants has been working on the hydrants in the Manchester Water District and have found several that were left closed after construction. This problem has been rectified. An intern is in the process of locating the gate valves.

Public Comment

Councilman Luna moved to open the meeting to public comment, seconded by Councilman O'Hare and carried unanimously.

Paul Doherty addressed the Board. He hoped that the *Think Local First - Shop LaGrange* program is a good idea and hoped that residents would support the new Verizon store in LaGrange.

Mr. Wagner noted that he had attended the ribbon cutting last Friday and that it had been pretty well attended.

Mr. John Gunn addressed the Board on behalf of the LaGrange Knights of Columbus.

He requested permission to use the Village Green on July 16, 17, 18 for their annual carnival. There will be fireworks, food and rides, but no beer and or gambling. Vendors will have their own generators. A member will be at the site on Saturday from 7 a.m. - 2 p.m. to ensure that residents going to the transfer station do not run over the power cable.

Supervisor Wagner asked for a written agreement and reminded Mr. Gunn to get written permission to use the Fire Department's portion of the property.

Mr. Wagner asked for a motion to allow use of the Village Green contingent on receipt of a written agreement regarding electrical use from the LaGrange Council K of C.

Councilman Luna so moved, seconded by Councilman Borchert.

Councilman O'Hare abstained

Councilman Beck voted aye as did Supervisor Wagner Permission was granted.

Gary Polhemus addressed the Board. He suggested that a security plan be submitted by the K of C.

Mr. Wagner thought it was a good idea for the K of C to provide that to the Town.

Keith Dingman offered Mr. Gunn the use of his light tower as he did last year.

There were no other comments.

Councilman Luna moved to close the public comment, seconded by Councilman Borchert and carried unanimously.

Ms. Livigni asked the Board for approval of a proposal from Clark Patterson Lee regarding soft costs not to exceed \$116,000.00 for a map, plan & report for the creation of a potential Manchester sewer district.

Councilman Beck so moved seconded by Councilman O'Hare and carried by all.

Councilman O'Hare moved to adjourn the meeting, seconded by Councilman Beck and carried by all.

The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution: Tax Certiorari: Andrea Komorsky
- Resolution: Performance Bond Reduction: Lennar New York, LLC
- Resolution: Watershed Awareness Proclamation
- Affidavit of Publication: Sign Ordinance
- Dutchess County Comments: Sign Ordinance
- Resolution: Sign Ordinance
- Resolution: Town Law Section 191-a (Proposed Manchester Sewer District)