

LaGrange Town Board Meeting

September 23, 2009 7:30 p.m.

AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from September 9, 2009

Supervisor's Report

- The Town of LaGrange Town Board will be approving a date for the annual public hearing regarding benefit unit assignments for properties within special districts and improvement areas. The public hearing will be to discuss the amount of units charged to a parcel not for a discussion of user rates (i.e. quarterly charges for water consumption). The documentation for these benefits units can be review at the Town Clerk's office.

Correspondence

- Deputy Building Inspector is requesting authorization from the Board for removal of clothing bins located between Quinlan Gas and JPJR Holdings on Old Manchester Road.
- Town Clerk's office received Certificate of Liability Insurance from the Road Runners Club.
- Cub Scout Pack 82 of LaGrange is requesting approval from the Board to hold a bake sale at Town Hall on Election Day.

Agenda Items

- Page Park Associates, LLC is requesting approval for a rezoning of the parcel located at intersection of NYS Route 55 and the Taconic State Parkway to the C-2 district.
- Building Inspector is requesting approval for a Performance Bond for Country Commons.

Committee Reports

- Water and Sewer
- Recreation
- Open Space
- Highway

Town Board Comments

- This time is set aside for new or old business not on the agenda

Town Attorney

- This time is set aside each meeting for new business by the Town's Attorney not listed elsewhere in the agenda

Administrator of Public Works

- This time is set aside each meeting for the Administrator of Public Works to discuss Planning, water, sewer, MS4 and related topics not listed elsewhere on the agenda.

Environmental Consultants

- Reports from the operators of the Town's water and sewer facilities

Public Comment

- Public comments are accepted during this time.

Executive Session**Adjournment**

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

**TOWN BOARD MEETING
September 23, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Steve O'Hare
Councilman Gary Beck
Councilman Edward P. Jessup

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

Others Present: Wanda Livigni, Public Works
Ron Blass, Esq., Van De Water & Van De Water
Diana Campaglione, Environmental Consultants

A regular meeting of the Town Board was held on September 23, 2009, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. and the Deputy Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes from September 9, 2009. Councilman Jessup so moved seconded by Councilman Luna and carried unanimously.

Supervisor's Report

Supervisor Wagner reported that he had met, on site, with all parties involved, including a representative from the Post Office in regard to the the fence that has gone up between the Post Office and the Crush Fitness Shopping Center. The owner of the shopping center is willing to remove their portion of the fence as soon as the Post Office removes their portion of fence which allows traffic flow through. The representative from the Post Office expressed her intention to work hard to accomplish this; however there are some concerns which include liability & cost. She indicated that an attorney would have to be consulted before anything got done. Supervisor Wagner wished to thank the Town's Legislative Aide, Kathy Kowgios for getting all parties to meet. The Town asked that the decision making process be escalated so the fences can come down before snow falls so no one gets hurt trying to get around them.

Supervisor Wagner advised the Town Board that a Public Hearing date must be set for the annual public hearing regarding the benefit unit assignments for properties with special districts and improvement areas. The public hearing will be to discuss the amount of units charged to a parcel not for a discussion of user rates i.e., quarterly charges for water consumption. Supervisor Wagner asked for a motion to set the Public Hearing for October 28, 2009. Councilman Luna made the motion, seconded by Councilman Jessup, carried unanimously. A plain English letter will go out to all the people in the special districts. This is the only Public Hearing on the books that requires written notice. (SEE ADDENDUM)

Correspondence

Deputy Building Inspector, Vincent Osoba is requesting authorization from the Board for removal of clothing bins located between Quinlan Gas and JPJR Holdings on Old Manchester Road. This is in the vicinity of the Dutchess Rail Trail and it has been determined to be Town Property. Highway Superintendent, Michael Kelly, is willing move them behind the locked areas of the Highway Garage. Councilman Jessup made a motion authorizing removal the bins, seconded by Councilman Beck, and carried unanimously.

Supervisor Wagner noted for the record, the Town is in receipt of a Certificate of Liability for the Road Runners Club for their road race.

Cub Scout Pack 82 of LaGrange is requesting approval from the board to hold a bake sale at Town Hall on Election Day. Councilman Luna made a motion to give authorization for the bake sale, seconded by Councilman O'Hare, carried unanimously.

Resolution

Supervisor Wagner informed the Board that Page Park Associates, LLC is requesting approval for a rezoning of the parcel located at intersection of NYS Route 55 and the Taconic State Parkway to the C-2 district. It is currently residential and is seeking to correct what appears to be an oversight. There is a company that is interested in developing that property, which would be a commercial parcel which would help off-set taxes.

Supervisor Wagner consulted with Town Attorney, Ron Blass whether or not a Public Hearing would be necessary. Mr. Blass advised that a Local Law and Public Hearing would be necessary to change a zoning map. Supervisor Wagner asked for a motion to set a Public Hearing for October 28, 2009; Councilman Beck made the motion, seconded by Councilman Jessup, carried unanimously.

Supervisor Wagner advised the Town Board that Country Commons, a shopping center at the corner of Route 55 & Route 82, is requesting a Performance Bond relating to the ongoing paving on the property. (SEE ADDENDUM)

Supervisor Wagner requested that Town Attorney, Ron Blass, Esq. give a brief summary of the documents presented to the board on this matter. Mr. Blass explained this is a request for a temporary C.O. The current Town Code provides that collateral in the form of cash or Letter of Credit be put up to secure the completion of work in order to obtain a permanent C.O. The property owner has trouble obtaining a Letter of Credit. The property owner has obtained a Surety Bond Company as collateral which is inconsistent with current Town Code. In order to reconcile the inability to obtain the Letter of Credit, an Agreement has been prepared to address the downside risk of the Town taking a Surety Bond instead of a Letter of Credit. The agreement specifies in the event the Town has a claim against the Surety Bond for non-performance the property owner will not have his attorney accept the defense of the claim on behalf of the Surety Company and the property owner. Also in the event of any litigation by the Town against the Surety Company, the attorney fees incurred by the Town will be covered by the property owner. In the event that the property owner does not pay the attorney fees, the Town has the right to put a lien on the property in the amount of the attorney's fees. The resolution calls for giving the Supervisor authorization to sign the Agreement. A brief discussion concerning attorney fees followed.

Supervisor Wagner asked for a motion authorizing him to sign the Agreement; Councilman Jessup made the motion, seconded by Councilman Luna and carried unanimously.

Committee Reports

Recreation Committee

The football is up and running and both leagues are doing very well. Councilman O'Hare reported he had an opportunity to walk the recreation trails at the Billings property. Councilman O'Hare described the trail as an easy walk that is much like a rail trail; Paul Doherty recommends everyone walk the recreation trails. The next Recreation Committee Meeting is September 28, 2009.

Open Space Committee

Councilman Jessup reported that the Open Space Committee meet last week and it is strongly considered purchasing both the Pierson Property and the Elliot Sleight property. The Elliot Sleight property would be an outright purchase and the Pierson Property would be a purchase of only the development rights. Councilman Luna asked if there have been new assessments on the properties. Supervisor Wagner responded that they have not been reassessed.

Town Board Comments

Supervisor Wagner reported he attended a round table meeting this morning in Newburgh put on by Patterns for Progress. Supervisor Wagner stated it was very insightful to listen to the perspective on the economy and development in business in this region from the perspective of bank presidents & company presidents. Likewise, it was a help for Patterns for Progress to hear the Mayors' & Supervisors' perspective of what we are going through. DEC Commissioner has agreed to enter into an arrangement where

Patterns for Progress will take the lead to try to streamline the secret process, re-write it and make it more business friendly.

Councilman Luna wished to thank the Poughkeepsie Journal for their recent editorial about the Town Center. Supervisor Wagner added that it was a very timely placed editorial and helpful to that development.

Town Attorney

No report.

Administrator of Public Works

Beginning this week the Highway Department is beginning demolition on the old Titusville Plant on Scenic Hills. This is nice savings for the Titusville Sewer District and a little perk for the Highway Department since they will take the salvage material.

Environmental Consultants

Comments inaudible.

Public Comment

Councilman Luna made a motion to open the meeting to public comment, seconded by Councilman Jessup, carried unanimously.

Karl Loatman from the LaGrange Association Library Board reported that library usage in the month of August is up 12%, year to date usage is up 4.5 % and website hits are up 22%. Speculation is this is due to economic conditions. The Association appreciates the Town Boards cooperation. Mr. Loatman mentioned that the Library does have a unique situation in their budget and that is \$10,000 in taxes. If in the future a facility was built, that would go away.

There were no other public comments.

Councilman O'Hare moved to close the public comment. Councilman Beck seconded the motion and it carried unanimously.

At 7:46 p.m., Councilman Jessup moved to adjourn the regular meeting, seconded by Councilman Beck and carried by all.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- Notice of Public Hearing – Special Districts Benefit Unit Assignments
- Resolution approving and accepting the Performance Bond for Country Commons.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that, pursuant to Town Law Section 239, the Town Board of the Town of LaGrange has completed an assessment roll for district and special improvement assessments as required by Town Law Section 202-a.

TAKE FURTHER NOTICE THAT the Town Board will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on October 28, 2009, at 7:30 o'clock p.m. prevailing time, to hear and consider any objections which may be made to the assessment roll.

TAKE FURTHER NOTICE, that copies of the aforesaid district and special improvement assessment roll 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, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and 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

Margaret Schmitz
Deputy Town Clerk

RESOLUTION

Councilman Jessup, offered the following resolution, which was seconded by Councilman Luna, who moved its adoption:

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves and accepts the proposed Performance Bond offered by the Popoli Family LTD, annexed hereto as Exhibit "A", so that a temporary certificate of occupancy may issue for the property known as the "Country Commons Site," located at the corner of State Routes 55 and 82, LaGrangeville, New York.

NOW, THEREFORE, BE IT FUTHER RESOLVED, that this approval is conditioned upon the Popoli Family LTD depositing with the Town a sum determined by the Town Board to defray the actual legal and administrative costs of the preparation of this agreement and related matters, in the sum of \$400.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman O'Hare	AYE
Councilman Jessup	AYE

DATED: LaGrangeville, New York
September 23, 2009



Margaret Schmitz
DEPUTY TOWN CLERK