

# LaGrange Town Board Meeting

October 14, 2009 7:30 p.m.

## AGENDA

### Call to Order

### Salute to the Flag

### Minutes Approval

- Minutes from September 23, 2009

### Monthly Reports

The Town Board will consider acceptance of the monthly revenue reports from town department's as follows:

- |   |                   |
|---|-------------------|
| • Building, Zoning & Public Works         | Total \$29,115.00 |
| • Planning                                | Total \$8,900.00  |
| • Highway Department                      | Total \$900.00    |
| • Justice Caplicki (incl. State Share)    | Total \$31,385.00 |
| • Justice Greller (incl. State Share)     | Total \$43,155.00 |
| • Town Clerk (incl. State & County Share) | Total \$1,566.06  |

### Supervisor's Report

### Correspondence

### Agenda Items

- Highway Superintendent is requesting Town Board approval for an internal budget transfer of \$3,600.00.
- Town Board to set Public Hearing for Page Park Associates.
- Town Board approval to set special date of November 4, 2009 for the following **Public Hearings**
  - Preliminary 2010 Budget
  - Preliminary Budget for Special Districts

**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  
OCTOBER 14, 2009**

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

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

**Others Present:** Ron Blass Esq., Van De Water & Van De Water  
Wanda Livigni, Administrator of Public Works  
Steve Mance, Environmental Consultants

A regular meeting of the Town Board was held on Wednesday, October 14, 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 September 23, 2009 and September 30, 2009. Councilman Jessup moved to do so, seconded by Councilman Beck; carried unanimously.

Supervisor Wagner asked for a motion to accept the monthly revenue reports from the town departments as follows:

• Building, Zoning & Public Works	Total \$29,115.00
• Planning	Total \$8,900.00
• Highway	Total \$900.00
• Justice Caplicki (incl. State Share)	Total \$31,385.00
• Justice Greller (incl. State Share)	Total \$43,155.00
• Town Clerk (incl. State & County Share)	Total \$1,566.06

A motion to accept was made by Councilman Beck, seconded by Councilman Jessup, carried unanimously.

## **Supervisor's Report**

Supervisor Wagner reported that at the last meeting of the Mayors and Supervisors and the County Executive the Mayors and Supervisors expressed their concern to the County Executive over the County passing down various costs of services to the municipal tax payers. Supervisor Wagner feels it would be very appropriate if the LaGrange Town Board considered passing a Resolution that would urge the County Legislature to enter into unprecedented bi-partisan discussions on how to fix the County's portions of the various budget woes and cease from playing politics with it. Councilman Beck made the motion to approve such a Resolution, seconded by Councilman Jessup, and carried unanimously. Supervisor Wagner will author a letter for the Town Board to review and sign to convey this message.

## **Correspondence**

A letter was received from Time Warner Cable regarding a new interactive technology known as Switched Digital Video (SDV) and they have provided an updated channel listing. This letter will be on file in the Town Clerk's Office for one week.

## **Agenda Items**

Highway Superintendent Kelly requested Board approval for an internal budget transfer of \$3,600.00 for the purchase of salt. Councilman Jessup made the motion, seconded by Councilman Beck, carried unanimously.

Supervisor Wagner advised the Board that due to a conflict of interest with attorneys, the Page Park Public Hearing will need to be rescheduled. Supervisor Wagner asked for a motion to reset the public hearing for November 12, 2009; however this will not give a full 30 days for circulation. Ms. Livigni reminded the Town Board that her office circulated the document to the County and surrounding towns on October 9, 2009 when the public hearing was originally set for October 28, 2009.

Supervisor Wagner asked the Town Board for a motion to reschedule the November 11, 2009 Town Board Meeting to November 12, 2009 at 7:30 due to November 11, 2009 being Veteran's Day. Councilman Beck made the motion, seconded by Councilman Luna and carried unanimously.

Supervisor Wagner asked for a motion to reset the Public Hearing for the Page Park Associates rezoning for November 12, 2009. Councilman Jessup so moved, seconded by Councilman Luna, carried unanimously.

Supervisor Wagner asked for a motion to set a Public Hearing for the Preliminary 2010 Town Budget and the Preliminary Budget for Special Districts on November 4, 2009 at 7:00 p.m. Councilman Jessup so moved; seconded by Councilman Beck and carried by all.

## **Appointments**

Supervisor Wagner asked for a motion to fill a vacant position on the Planning Board. Interviews were held at the last workshop meeting. Councilman Luna made a motion to appoint Joe Zeiden for the full position seconded by Councilman Jessup and carried unanimously.

Supervisor Wagner asked for a motion to fill an alternate position on the Planning Board. Councilman Jessup made a motion to appoint Kevin Donahue, seconded by Councilman Beck and carried unanimously.

Supervisor Wagner asked for a motion to fill a vacant position on the Zoning Board of Appeals made vacant by moving Joe Zeiden to the Planning Board. Councilman Jessup made a motion to appoint Gary Polhemus, seconded by Councilman Beck, carried unanimously.

## **Committee Reports**

### **Water & Sewer**

No report

### **Recreation**

Supervisor Wagner reported that the Baseball Association would like the Board to consider a playground in the LaGrange Park. Supervisor Wagner stated that he as well as the Recreation Commission and Peter Huff are not enamored with this concept and has very serious concerns with putting thousands of dollars into an infrastructure that needs to be replaced, and is effected by flood waters. The Baseball Association has been invited to the next workshop meeting to discuss this further. Councilman O'Hare reported that an estimate of \$25,000 worth of engineering must be done just to get to page one of the application process. Councilman O'Hare mentioned the Baseball Association was not aware of these costs when they made their inquiry last week.

Construction has started at Overlook Park on the concession stand building; a second floor has been added to the plan and ordered. The Superior Walls are up, concrete floors will be poured this week, and all the plumbing is ruffed in for bathrooms and kitchen area. Councilman Luna asked if they obtained a building permit. Supervisor Wagner confirmed they do have a building permit. Councilman O'Hare reported that this is a significant project at no cost to the Town. The second story will have a cantilever so the coaches can film games from the end zone in the main field.

Councilman O'Hare further reported there were at least 15 cars at Overlook Park with dogs for the dog park which has apparently become quite popular. Supervisor Wagner shared information on the Halloween Dog Costume Party at the Dog Park on October 31, 2009.

### Open Space

Supervisor Wagner stated that although it is not required by law, the Town Board needs to set a Public Information Session on the proposal to use a portion of the Open Space Fund to purchase the development rights for Pierson Farm. The Open Space Fund has a cap of \$2,000,000.

Councilman Luna made a motion to set the Public Hearing for December 2, 2009 at 7:00 p.m., seconded by Councilman Jessup, carried unanimously.

Councilman Jessup reported that on October 10, 2009 the Open Space Committee walked the Sleight Farm with Peter Finelli. It is generally unanimous among the committee that it would be a nice piece of property for Open Space and the Committee is considering purchasing both the Sleight Farm & Pierson Farm properties. Councilman Jessup suggested a Public Hearing date should be set sometime in the future.

### Highway

No report

### Town Board Comments

On behalf of the Town Board, Councilman Jessup wished to thank <sup>Paul</sup> ~~Frank~~ Doherty and Red Wing for the work at Overlook Park Football this season. Councilman O'Hare also suggested people walk the trail at Red Wing; it is really a beautiful trail.

*Corr  
11/5/09  
MS*

Councilman O'Hare addressed the 2010 preliminary budget feels it is long over-due that The Supervisor of the Town of LaGrange officially be made a full-time position. In Councilman O'Hare's opinion, now more than ever, the amount of time that Supervisor Wagner spends in the office working on Town projects saves much more than his entire yearly salary. Councilman Jessup stated the grants have been close to a million dollars. Councilman O'Hare cited other than the grants; internal efficiencies have saved tons & tons of money. Councilman O'Hare proposed an Oral Resolution to make the position full time. Councilman Beck made the motion, seconded by Councilman Jessup and carried unanimously.

Councilman O'Hare listed the salaries of elected town officials; Superintendant of Highways - \$76,123; Town Supervisor \$61,000; Councilmen 4 @ \$7,800; Town Clerk \$50,387; Receiver of Taxes - \$48,654; Town Justice 2 @ \$23,795 and asked for a motion to set forth these salaries for next year's budget. Councilman Beck made the motion, seconded by Councilman Jessup, carried unanimously.

Supervisor Wagner thanked the board for their confidences and expressed that the Town has been moving toward making the Town Supervisor a full-time position for six years now; former Supervisor Wade started this movement. Due to the complexities of what is going on now and the amount of pressure coming out of the County alone, these are no longer part-time positions. Supervisor Wagner stated "This is not about Jon Wagner, it's about the Town of LaGrange and its' future." "If there is not someone working full time to watch the purse strings, you are going to get ripped off more than ever."

**Town Attorney**

No report

**Public Works**

Supervisor Wagner stated that the Town was able to get an energy efficiency grant for \$450,000 designed to pay for aerators. Supervisor Wagner wished to thank Ms. Livigni for the work she has done on it. Supervisor Wagner informed the Town Board that the Governor's Office called to let the Town Board know there are some hoops to jump through to get this funding. Ms. Livigni stated that with this being stimulus money, the time constraints are very tight and the money needs to be obligated by January 1, 2010. Ms. Livigni added, with all the documentation that needs to be submitted, reviewed and comments received, this is not a lot of time. She thanked Clark Paterson Lee and Environmental Consultants who worked on this as well.

Ms. Livigni requested the Town Board's approval of a Resolution allowing the signing of the Green Innovation Grant Project Agreement and expend up to \$45,000 as a 10% Matching Fund. The Matching Fund has been built into the Titusville Sewer District Budget for 2010. EFC wanted someone else other than the Supervisor to sign this document. Supervisor Wagner felt the obvious person to be the contact person and sign the agreement is Ms. Livigni. Councilman Luna made a motion to pass the resolution, seconded by councilman Jessup; carried unanimously.

Ms. Livigni respectfully requested the Town Board approval to enter into a Professional Services Agreement with Clark Patterson Lee to represent as the Town Engineer on this project. Councilman Jessup made the motion, seconded by Councilman O'Hare; carried unanimously.

**Environmental Consultants**

Inaudible.

**Public Works (continued)**

A lengthy discussion of details relating to the EFC Grant ensued.

**Public Comment**

Councilman Luna moved to open the meeting to Public Comment, seconded by Councilman Jessup and carried unanimously.

Allison Withers of Freedom Plains reported on some of the Library Programs going on now. Irv Miller is doing a math & physics program for parents to help their children with homework. Melina Weiss did a program at the Poughkeepsie Rural Cemetery, which was attended by 23 people. Last week 29 people took the Library's tour of the CIA and had lunch there. Website hits were up 20%. Supervisor Wagner suggested the Library Board, at its' earliest convenience, contact the two County Legislators that serve LaGrange to discuss the 2010 county share of funding to the library which he understands to be zero.

Paul Doherty reported that due to the devastation in Indonesia, the Rotary Club has voted to send a \$1,000 shelter box over there which contains tents and food supplies. Councilman O'Hare and his company have provided one as well. Mr. Doherty extended his thanks to them.

Mr. Doherty stated "In reviewing the C-1 & C-2 plans and zoning ordinance, I came across some paper work because Stewarts had called about the property". "A house that burned down had a well drilled - 160 feet ;7 gallons a min.; \$3.50 ft, \$560; 20 Feet of six inch steel casing @ \$2 foot \$40; \$600 for the well with a 5% discount if paid in ten days; the year was 1969". "However under the restrictions of the zoning, the restriction on distance from the school which was 500 feet is also a restriction of 500 feet from any water course, drainage ditch". "I know the Town is not excited about having more gas stations; I don't think there is any place in town where we can put in a gas station because we have wet lands, streams, drainage ditches all over". "Maybe 100 feet would be unreasonably close". "This parcel with the burned out house which Stewart's is coming to see on Monday (they may be looking at many different sites) the distance between the road and the stream in the back is 500 feet". "If you had a 250 foot limit I think that might attract some more business". "Because there are so many restrictions as you read through this it becomes difficult to see where you can site certain types of businesses. I would like to ask the Board to consider changing the zoning at that intersection from C-2 to C-1 type zoning".

Supervisor Wager responded to Mr. Doherty's that his point is well taken and has asked the Town Board when the budget process is done to look at the zoning. Supervisor Wagner pointed out that we are all so quick to criticize State Agencies for hampering forward progress on development with over-reaching regulations however, I don't know whether 250 feet would be an ample buffer or it wouldn't be. Supervisor Wagner said he would ask the Town Board to look at the Town's laws and make sure we are not over-reaching ourselves.

Sandy Lane wished to make a comment on the seminar about the Poughkeepsie Rural Cemetery, which she participated in and thought was wonderful. She added the Library website looks wonderful too.

Ms. Lane had a question concerning the Town Center on Route 55 and the trees that were cut down. When she called to inquire, the answer she got was that it was about signage which is due to be changed. Supervisor Wagner responded that the Board has the same concerns. The answer that Mr. Wagner got was that the property is going to be completely re-landscaped. The site plan will have to be reviewed to see what should or should not have been done. The building Inspector and Zoning Administrator have informed Supervisor Wagner that the gentleman has made a pact that he is going to improve the look of the site with the landscaping he is doing and the temporary signage he is removing. If there is a violation of the site plan it will be referred to the Planning Board.

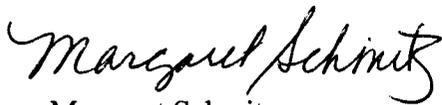
Supervisor Wagner added that the good news is that the Postal Authorities are willing to take down their fence which means the shopping center fence will come down too. A discussion on the post office followed.

Supervisor Wagner requested a motion to close the Public Comment. Councilman Jessup made a motion to do so, seconded by Councilman Luna; carried unanimously.

At 8:20 p.m. Supervisor Wagner asked for a motion to retire to Executive Session to discuss two issues; one contractual in nature and the other is a settlement of an ongoing lawsuit. Councilman Luna so move, Seconded by Councilman Jessup; carried unanimously.

The Town Board returned from Executive Session at 9:30 p.m. Councilman Luna made a motion to adjourn the meeting, seconded by Councilman Beck; carried unanimously. The meeting adjourned at 9:30 p.m.

Respectfully Submitted,



Margaret Schmitz  
Deputy Town Clerk

#### **ADDENDUM**

- **Notice of Public Hearing – Preliminary 2010 Budget**
- **Notice of Public Hearing – Preliminary Budget for Special Districts**
- **Resolution – Green Innovations Grant Project (GIGP)**

**NOTICE OF PUBLIC HEARING ON THE PRELIMINARY BUDGET FOR THE  
TOWN OF LA GRANGE FOR THE YEAR 2010**

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of LaGrange, Dutchess County, NY for the fiscal year beginning January 1, 2010 will be completed on October 28, 2009 and, on October 28, 2009 the preliminary budget will be filed in the office of the Town Clerk where it will be available for inspection by any interested persons during office hours. The Town Clerk's office is located at the Town of LaGrange Town Hall, 120 Stringham Road, LaGrangeville, NY, 12540 and the Clerk's office hours are 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:30 a.m. and 3:30 p.m.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of said Town of LaGrange will meet and review the 2010 Preliminary Budget and hold a public hearing thereon at 7:00 P.M. on November 4, 2009 at the Town Hall, 120 Stringham Road, and that at such hearing any person may be heard for or against the Preliminary Budget as compiled, or any item or items contained therein.

AND FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 113 of the Town Law, that the following are proposed yearly salaries of Town Officers of the Town: Supervisor - \$61,000; Councilmen - 4 @ \$7,800; Town Clerk - \$50,387; Receiver of Taxes - \$48,564; Superintendent of Highways - \$76,123; and Town Justice - 2 @ \$23,795.

All citizens attending the public hearing have the right to provide written and oral comments concerning the entire budget.

By Order of the LaGrange Town Board



Margaret Schmitz, Deputy Town Clerk

October 14, 2009

**NOTICE OF PUBLIC HEARING ON THE PRELIMINARY BUDGETS  
FOR SPECIAL DISTRICTS  
IN THE TOWN OF LA GRANGE FOR THE YEAR 2010**

NOTICE IS HEREBY GIVEN that the Preliminary Budgets for the Special Districts in the Town of LaGrange for the fiscal year beginning January 1, 2010 have been completed and filed in the office of the Town Clerk, 120 Stringham Road, where they are available for inspection between the hours of 8:30 A.M. and 4:00 P.M., Monday through Friday, except Tuesday when the hours are 8:00 A.M. and 3:30 P.M.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of LaGrange will meet and review said Preliminary Budgets for the Special Districts and hold a public hearing thereon at 7:00 P.M. on November 4, 2009 at the Town Hall, 120 Stringham Road, and that at such hearing any person may be heard for or against the Preliminary Budget as compiled, or any items therein contained.

By Order of the LaGrange Town Board



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Margaret Schmitz, Deputy Town Clerk

October 14, 2009

**TOWN OF LAGRANGE – GREEN INNOVATION GRANT PROJECT (GIGP)**  
**RESOLUTION TO ALLOW THE SIGNING OF THE GIGP AGREEMENT**  
**AND EXPEND UP TO \$45,100 AS A 10% MATCHING FUND**

WHEREAS, The Town of LaGrange applied for the funding through the Green Innovation Grant Program for the replacement of the existing vertical shaft aerators with more energy efficient blowers and fine bubble diffusers in the Sequence Batch Reactors at the Town of LaGrange Titusville Wastewater Treatment Facility; and

WHEREAS, the total project budget is \$451,000; and

WHEREAS, the GIGP requires the Town of LaGrange to enter into an agreement with the New York State Environmental Facilities Corporation (NYSEFC) with a minimum 10% match of funding.

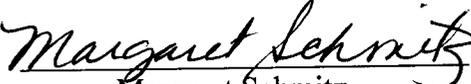
**NOW, THEREFORE, BE IT RESOLVED**, that the Town of LaGrange Town Board agrees to enter into an agreement with NYSEFC for the completion of this GIGP project and authorizes Supervisor Wagner and Wanda Livigni to sign paperwork related to this project on behalf of the Town.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town of LaGrange Town Board authorizes up to \$45,100 to be expended from the Titusville Sewer District's operating budget as a 10% match.

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

	YEA	NAY
Supervisor Wagner	<u>YEA</u>	_____
Councilman Luna	<u>YEA</u>	_____
Councilman Beck	<u>YEA</u>	_____
Councilman O'Hare	<u>YEA</u>	_____
Councilman Jessup	<u>YEA</u>	_____

Dated: October 14, 2009

  
Margaret Schmitz  
Deputy Town Clerk