

# LaGrange Town Board Meeting

November 12, 2009 7:30 p.m.

## AGENDA

### Call to Order

### Salute to the Flag

### Minutes Approval

- Minutes from October 28, 2009
- Minutes from the Special Meeting on November 4, 2009

### Monthly Reports

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

- |   |                   |
|---|-------------------|
| • Building, Zoning & Public Works         | Total \$19,575.00 |
| • Planning                                | Total \$500.00    |
| • Highway Department                      | Total \$1,400.00  |
| • Justice Caplicki (incl. State Share)    | Total \$32,520.00 |
| • Justice Greller (incl. State Share)     | Total \$26,630.00 |
| • Town Clerk (incl. State & County Share) | Total \$1,273.21  |

### Supervisor's Report

### Correspondence

- Letter from the Town Clerk appointing Margaret Schmitz as First Deputy Clerk
- Letter from a resident expressing gratitude for the Red Wing Corporation's generously allowing the public to use its nature trail and their excellent maintenance of the trail.
- Cablevision is announcing the launching of a new iO Silver Package

### Public Hearing

- Page Park Associates LLC for the rezoning of the parcel located at intersection of NYS Route 55 and the Taconic State Parkway to the C-2 district

- The Wastewater Treatment Plant of the Titusville Sewer District in the nature of modification of aeration to save operating costs in an effort to reduce usage rates. Total estimated cost of the improvement is \$451,000.00 of which ninety (90%) is to be covered by federal and state Green Innovation Program Grant.

#### **Agenda Items**

##### ***Budget Transfer***

- The Highway Superintendent is requesting Town Board approval for an internal budget transfer of \$50,000.00

##### ***Appointment***

- The Town Board will consider re-appointing Paul Blauth to the Board of Assessment Review as his term expired on September 30, 2009.

##### ***Vehicle Operation Policy***

- Town Board will consider adopting a new policy which outlines the conditions to be maintained by town employees to operate vehicles as part of their employment.

##### ***2010 Final Budget***

- Town Board has conducted a Public Hearing (held on November 4, 2009) and will now consider adopting the 2010 Final Budget

##### ***Transfer Station***

- Town Board will review the Trash & Recycle Center Station bid document amended by Van DeWater & Van DeWater, LLC. Town Board to approve resolution setting Public Hearing for December 9, 2009 for the Trash & Recycle Center.

##### ***Re-L Levy of Special District Assessments***

- From time to time the Town does not receive payment for assessments from Special District members. The Board must re-levy the amount to the next annual roll. Residents who have received notification via mail can be heard at this time regarding their failure to pay. Town Board to approve the resolution to re-levy of the outstanding assessment for the year 2009 for the 2010 tax bills.

##### ***Removal of Fence Surrounding LaGrange Post Office***

- Town Board to approve joint efforts between Savone Realty North, LLC and the Town of LaGrange to remove the entire chain link fence surrounding the LaGrange Post Office.

***Waiver of Permit Fee for Noxon Road Elementary School***

- Noxon Road Elementary School is requesting Town Board's approval to waive the permit fee for a temporary sign to be displayed at the Arlington High School from 11/14/09 to 11/23/09.

**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 Towns 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  
NOVEMBER 12, 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  
Stephen Gaba, Esq., Drake, Loeb, Heller, Kennedy, Gogerty,  
Gaba & Rodd  
Wanda Livigni, Administrator of Public Works  
Steve Mance, Environmental Consultants  
Greg Bolner, Clark Patterson Lee

A Regular Meeting of the Town Board was held on Thursday, November 12, 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 accept the minutes from the November 4, 2009 Town Board Meeting. Councilman Jessup made a motion to approve the minutes with the stipulation that Mr. Rabasco's Comments regarding George Wade be included; seconded by Councilman Luna and carried unanimously. Councilman Jessup made a motion to approve the October 28, 2009 Minutes, seconded by Councilman Luna; carried by all.

**Monthly Reports**

Supervisor Wagner asked for approval of the monthly reports for October which include state, county and local shares. Councilman Beck made a motion seconded by Councilman Jessup and carried by all.

Building, Zoning & Public Works	Total \$19,575.00
Planning	Total \$500.00
Highway Department	Total \$1,400.00
Justice Caplicki (inc. State Share)	Total \$32,520.00
Justice Greller (inc. State Share)	Total \$26,630.00
Town Clerk (inc. State & County Share)	Total \$1,273.21

## **Public Hearing**

### **Supervisor's Report**

Supervisor Wagner reported that he met with representatives from the Towns of Union Vale and Fishkill (Wappingers was absent from this meeting) to continue discussing a four way CAP Shared Assessor Program. Supervisor Wagner reported the four towns are applying for Shared Service Grant Money to facilitate paying for the legal work necessary to get that going.

Supervisor Wagner asked the Town Board to entertain a motion making the Northern Dutchess News an Official Newspaper for the Town of LaGrange as a replacement for the Voice Ledger which went out of business. Councilman Luna made the motion, seconded by Councilman Jessup, carried unanimously.

### **Correspondence**

The Town Board is in receipt of a letter from the Town Clerk appointing Margaret Schmitz First Deputy Clerk. Supervisor Wagner noted that Cheri Salfelder had been appointed First Deputy, however, she is transitioning to the Highway Department as Secretary to the Highway Superintendent. Supervisor Wagner added; the First Deputy can step in, if and when it is necessary, to fulfill the duties of Town Clerk if there is an absence of the Town Clerk.

Supervisor Wagner read a letter from Adrienne Kent, Cross Road, addressed to the Town Board in which she acknowledged the contribution to the community and expressed gratitude for Red Wing Corporation's generously allowing the public to use its nature trail. Ms. Kent wished to note the civic mindedness of Paul Dougherty.

Supervisor Wagner summarized a letter from Cablevision informing the Town of programming changes and introducing the IO Silver Package; the letter will be in the Town Clerk's Office for one week.

### **Public Hearing**

Wanda Livigni gave a synopsis of the purpose for this Public Hearing on the Green Innovations Program Grant and how it will be used to modify the aeration system at the Titusville Waste Water Treatment Plant to reduce operating costs and energy usage.

Proof of Notice having been furnished, Supervisor Wagner requested a motion to open the Public Hearing to public comment; Councilman Jessup so moved, seconded by Councilman Luna; carried unanimously. (SEE ADDENDUM)

Greg Bolner of Clark Patterson Lee reported the installation of the aerator would result in an estimated savings of \$40,000 annually at full operational capacity; it is currently at 50% capacity.

Supervisor Wagner clarified that in the first year at full capacity the upgrade will pay for itself.

All persons desiring to be heard, having been heard, Councilman Luna made a motion to close the Public Hearing, seconded by Councilman Jessup; carried unanimously.

### **Resolution**

Supervisor Wagner introduced a Resolution which approves and authorizes the improvement to the facilities of the Titusville Sewer District Waste Water Treatment Plant with the expectation that 90% of the \$451,000.00 estimated cost of energy efficiency and cost reducing aerator improvements will be covered by federal and state Green Innovations Program Grant. (SEE ADDENDUM)

Councilman Luna made a motion approving the Resolution, seconded by Councilman Beck; carried unanimously.

### **Agenda Items**

Supervisor Wagner asked the Town Board for a motion to approve the Superintendent of Highway's request for a budget Transfer of \$50,000.00 from account # 5110.4 to account #5142.4 (snow contractual).

Councilman Jessup made a motion to approve the budget transfer, seconded by Councilman Beck; carried unanimously.

### **Appointment**

Supervisor Wagner advised the Town Board that Paul Blauth's term as member of the Board of Assessment Review has expired and requests The Board's consideration to re-appointed Mr. Blauth. Councilman Beck made a motion to re-appoint Mr. Blauth, seconded by Councilman Jessup; carried unanimously.

### **Oral Resolution**

Supervisor Wagner introduced the updated Vehicle Usage Policy and reviewed the matrix provided by Marshall & Sterling, Inc. (SEE ADDENDUM)

Supervisor Wagner added that correspondence has been received by the CSEA indicating they are of the opinion this is a subject of mandatory negotiation. The Policy has been review by Michael Richardson, who negotiated the union contract and has cited two sections of the contract which indicate CSEA is incorrect. The Town Board's response to the CSEA is this is not seen as a subject of mandatory negotiation. A brief discussion of details followed.

Councilman Beck made a motion to approve the Vehicle Usage Policy, seconded by Councilman Luna; carried unanimously.

## **2010 Budget**

Supervisor Wagner proposed the adoption of the Final 2010 Budget making it the Adopted 2010 Budget. Supervisor Wagner pointed out a slight change in the taxable assessed value which did not change the outcome; the rate per thousand is \$2.04. Also included in this budget is LaGrange Fire District Budget which has a rate per thousand of \$2.0245. Councilman Jessup made a motion to adopt the Final Budget, seconded by Councilman O'Hare; carried unanimously. (SEE ADDENDUM)

## **Resolution**

Supervisor Wagner advised the Town Board that the two year contract for the Recycle Center is due to expire at the end 2009. Supervisor Wagner introduced a Resolution setting a Public Hearing for December 9, 2009 with two versions of bid documents; one includes maintenance of the compactor and the other version does not include maintaining the compactor. Councilman Luna made a motion to approve the bid documents that includes the maintenance of the compactor, seconded by councilman Jessup; carried unanimously. (SEE ADDENDUM)

## **Public Hearing**

Kelly Libolt of Page Park Associates proposed an application for re-zoning a property located on the East side of the Taconic Parkway and the North side of Route 55; owned by Page Park Associates. The property is approximately seven (7) acres, land locked and situated behind another seven (7) acre property also owned by Page Park Associates. The property is currently zoned R-120 and is requesting a re-zone to C-2. Ms. Libolt stated there currently are no potential users, however, if in the future if there is a potential user, Page Park Associates would come before the Town Board for a specific project. Some concept plans have been submitted to the Town. Supervisor Wagner requested to see the Dutchess County Department of Planning Comment Sheet. The meeting was momentarily adjourned at 7:57 p.m. while the Deputy Town Clerk was excused from the meeting room to obtain the document from files. Supervisor Wagner called the meeting back to order at 7:59 p.m. Supervisor Wagner read the County Comments "County takes no position on lead agency." Supervisor Wagner read aloud the review conducted by Clark Patterson Lee (SEE ADDENDUM).

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

All persons desiring to be heard, having been heard, the Hearing was adjourned and scheduled to a future date to take care of unfinished administrative details. Supervisor Wagner requested a motion setting the date to reconvening the Public Hearing for December 9, 2009 at 7:30 p.m. Councilman Luna made the requested motion, seconded by Councilman Jessup; carried unanimously.

## **Resolution**

Supervisor Wagner introduced a Resolution that would enable the Town Board to make the proposed zone change subsequent to the Public Hearing. Councilman O'Hare made a motion to accept the Resolution of Introduction, seconded by Councilman Beck; carried unanimously. (SEE ADDENDUM)

## **Resolution**

Supervisor Wagner introduced a Resolution to re-levy the outstanding assessments for special districts for the year 2009. Councilman Luna made a motion to approve the resolution, seconded by Councilman Jessup; carried unanimously.

## **Oral Resolution**

Supervisor Wagner apprised the Town Board of the situation with the chain link fence between the Post Office and the adjacent shopping plaza; the Town of LaGrange has received written permission from the Post Office to remove the fence surrounding the LaGrange Post Office. Supervisor Wagner explained that Mr. Savone of Savone Realty North, LLC will take down the fence; the Highway Superintendent will supply a Town truck to pickup and haul away the fencing material which will then be sold as scrap metal to recuperate the cost of using the Town truck. Supervisor Wagner asked for a motion to approve the joint efforts between Savone Realty North, LLC and the Town of LaGrange in removing the entire chain link fence; Councilman Luna so moved, seconded by Councilman Jessup; carried unanimously. A brief discussion of details followed.

Supervisor Wagner asked the Town Board to consider the Building Inspector's request to waive the \$75.00 temporary sign permit fee for the Noxon Road PTA as they are a non-profit organization. The permit is for a sign that will be placed at the Arlington High School from November 14, 2009 to November 23, 2009 for their craft fair. Councilman Luna made a motion to approve, seconded by Councilman Beck; carried unanimously. Councilman Beck wished to commend Noxon Road PTA as they are the only organization to come before the Town Board asking for permission to put up signs at the school.

## **Committee Reports**

### **Water & Sewer**

No Report

### **Recreation**

Councilman O'Hare reported that Peter Huff has started building the baseball field at Stringham Rd.

## **Open Space**

No Report

## **Highway**

No report

## **Town Board Comments**

Councilman Luna wished to go on record that he is not against signs and asked the people who took his 30 signs because they think he doesn't like signs, to bring them back so they can be used the next time he runs again.

## **Town Attorney**

Ron Blass reported, after consulted with Ms. Livigni, that Lewis Country Farm "Overlook Place" is in need of a second annual PDD extension. Mr. Blass explained that last year the Town passed a Local Law allowing such extensions; Lewis Country Farm has submitted what is required under code for the Board to consider the extension. Mr. Blass introduced a Resolution granting a one year extension of the PDD rezoning and project development plan approvals for the Overlook Place PDD project. Councilman O'Hare made a motion to approve the Resolution, seconded by Councilman Luna; carried unanimously. (SEE ADDENDUM)

## **Public Works**

Ms. Livigni reported that DC Animal Hospital, an applicant in front of the Planning Board has submitted a Surety Bond for its Performance Bond for storm water improvements needed on site. The Town Code requires a Letter of Credit. Ms. Livigni has requested the Town Board's opinion on how best to proceed with the Bond that is in place. Ms. Livigni stated this site needs a retention pond on it; the way the Town Code is written, in the event the applicant does not perform the work, the Town would be required to complete it. Ms. Livigni stated if the Town was to come to an agreement on this, one of the requirements would be that the retention pond would be the first thing that needs to be constructed on the site. Ms. Livigni added, if this was done first, the Town would be relatively safe from having to go in and do any work. Ms. Livigni indicated the applicant is willing to put up a reduced amount in the form of a Letter of Credit, once the retention pond is constructed and installed, however, she can't afford to put the entire amount up front in that form. The Bond amount is \$35,880. Supervisor Wagner commented that this is a similar situation to Country Commons. A discussion regarding details followed. Greg Bolner stated that, from a technical standpoint, the purpose of the pond is to collect water from impervious surfaces. Mr. Bolner added, if DC Animal Hospital builds the pond first, they would not have created the impervious surfaces associated with the parking lot and building improvements prior to the pond being there. Mr. Bolner stated the Town really is not at risk because the impervious surfaces will not have been built. Further discussion followed.

Ron Blass suggested preparing a similar Agreement to the Country Commons Short Agreement with the addition of Ms. Livigni's clause regarding the first phase of work. The Surety Bond should also need to be validated.

### **Oral Resolution**

Upon Mr. Blass' recommendation, Supervisor Wagner requested a motion allowing him to enter into the Standard Form Agreement Waiver of Letter of Credit. Councilman Jessup made the requested motion, seconded by Councilman O'Hare; carried unanimously.

Supervisor Wagner advised the Board he had been conferring with Ms. Livigni regarding a violation involving the deposit of fill at Route 376 and Red Oaks Mills Road. The Supervisor asked Ms. Livigni for a status on the situation. Ms. Livigni reported the property owner called her informing he is out of town but has received his Order to Remedy; he has until Friday morning to give a schedule of when he will come in to conformance. The Stop Work Order was issued on October 30, yet additional fill was brought in. DEC was notified.

### **Environmental Consultants**

Mr. Mance stated that a review of the year-end inspections of all the water plants in Dutchess County with the Department of Health and DEC indicated everything is operating well. Supervisor Wagner added that Shreck will be out to service all the facilities and generators at a discounted rate.

### **Public Comment**

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

There were no public comments.

Councilman O'Hare made a motion to close public comment, seconded by Councilman Jessup; carried unanimously.

Councilman Luna made a motion to adjourn the meeting, seconded by Councilman Jessup; carried unanimously. The meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Margaret Schmitz  
Deputy Town Clerk

## **ADDENDUM**

- **Affidavit of Publication: Green Innovations Program Grant 202B**
- **Resolution: Titusville Waste Water Treatment Plant Improvements**
- **Vehicle Usage Policy**
- **2010 Adopted Budget**
- **Resolution – Recycle Center Submission of Bids**
- **Clark Patterson Lee Memo: Review Zoning Request's Compatibility with Town Master Plan**
- **Resolution: Page Park, LLC Re-zone**
- **Affidavit of Publication: Re-levy Water & Sew Districts**
- **Resolution: Re-Levy Assessment for Special Districts**
- **2009 Re-levy Water & Sew Listing**
- **Resolution: Lewis Country Farm PDD extension**

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie, Dutchess County, New York, being duly sworn, says that at the several times hereinafter mentioned he/she was and still is the Principle Clerk of the Poughkeepsie Newspapers Division of Gannett Satellite Information Network, Inc., publisher of the Poughkeepsie Journal, a newspaper published every day in the year 2009 in the city of Poughkeepsie, Dutchess County, New York, and that the annexed Notice was duly published in the said newspaper for one insertion successively, in each week, commencing on the 1st day of Nov. in the year of 2009 and on the following dates thereafter, namely on:

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2009, both days inclusive.

Rita Lombardi  
Subscribed and sworn to before me this 3rd day of November in the year of 2009.

Elizabeth D. Janice  
Notary Public

My commission expires 9/30/13

**NOTICE OF PUBLIC HEARING**  
TAKE NOTICE that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at the Town Hall, 120 Stringham Road, LaGrangeville, New York on November 12, 2009 at 7:30 o'clock, p.m. (prevailing time) for the purpose of conducting a public hearing relating to a map and plan of Clark Patterson and Lee bearing date of October 28, 2009 and on file with the Town Clerk at Town Hall, 120 Stringham Road, LaGrangeville, New York, which describes an energy efficiency improvement to the Wastewater Treatment Plant of the Titusville Sewer District in the nature of modification of aeration to save operating costs in an effort to reduce usage rates. Total estimated cost of the improvement is \$451,000, of which ninety (90%) is to be covered by federal and state Green Innovation Program Grant. At the time of public hearing, the Town Board will hear all persons interested in the subject thereof concerning the same.  
DATED: LaGrangeville, New York  
October 28, 2009  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK  
5661

ELIZABETH A. FARKAS  
NOTARY PUBLIC, State of New York  
No. 01FA4844793  
Qualified in Dutchess County  
Commission Expires 9/30/13

**RESOLUTION**

Supervisor Wagner introduced the following resolution, which was seconded by Councilman Beck.

WHEREAS, the Town Board acts by law as Commissioners of an existing sewer improvement district known as the Titusville Sewer District in the Town of LaGrange; and

WHEREAS, the Town Board has received a map and plan dated October 28, 2009, and prepared by the Clark Patterson and Lee, which presents a description of improvements to the Wastewater Treatment Plant of the Titusville Sewer District under a federal and state Green Innovation Program; and

WHEREAS, the Town Board conducted a public hearing on November 12, 2009.

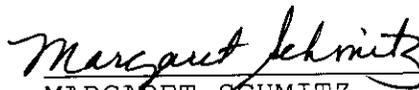
NOW, IT IS HEREBY RESOLVED THAT:

1. The Town Board approves and authorizes the improvement to the facilities of the Titusville Sewer District wastewater treatment plant with the expectation that 90% of the \$451,000.00 estimated cost of the energy efficiency and cost reducing aerator improvements will be covered by federal and state Green Innovation Program Grant.

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

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

DATED: LaGrangeville, New York  
November 12, 2009

  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK

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### 3.7 Vehicle Usage Policy (Proposed additions October 19, 2009)

3.7.2 The Town Supervisor, Highway Superintendent, Highway Foreman, Parks and Recreation Director, and the Building Inspector are all required to respond from home after normal business hours in the event of an emergency, therefore; CONTINUE WITH EXISTING WORDING HERE

3.7.4 The Town of LaGrange has established specific standards which will determine whether or not an employee will be permitted to drive for the Town to carry out the requirements of his or her job. Those standards are found attached in the form of a matrix established by the town's insurance carrier. (Section 3.7.4 matrix)

All employees, Board Members or volunteers for the Town of LaGrange will be subject to an annual inspection of their personal driving records through the NYS Department of Motor Vehicles. Employees found to have a driving record that prohibits them from driving as established by the attached matrix will NOT be permitted to drive a motor vehicle while carrying out town business.

# Town of LaGrange

## Driver Acceptability Matrix

### Section 3.7.4 Matrix

**Number of Moving  
Violations Within  
Past Five Years**

**Number of At Fault Accidents Within Past Five Years**

**Number of DUI or  
DWI Within Past  
Five Years**

	0	1	2	3	1 or More
0	Clear	Acceptable	Borderline	Prohibited	Prohibited
1	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
2	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
3	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
4	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Motor Vehicle Report will be checked every 6 months; insurability subject to no deterioration in the record. Employer must prohibit driver from driving company vehicles or using personal vehicle on company business.

Source: Marshall & Sterling, Inc.

Town of LaGrange, New York

2010 Adopted Budget

Available in the Town Clerk's Office

## RESOLUTION

Councilman Luna, offered the following resolution, which was seconded by Councilman Jessup.

WHEREAS, the Town of LaGrange will advertise, pursuant to New York General Municipal Law, for the submission of bids for the operation of the Trash and Recycling Center located at 130 Stringham Road in the Town of LaGrange, New York and such bids are to be submitted no later than 12:00 noon on November 23, 2009; and

WHEREAS, pursuant to Town Law Section 64(7), a public hearing is required before the Town Board may enter into a Franchise Agreement; and

RESOLVED, that a public hearing be held in relation to the proposed franchise agreement as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on December 9, 2009, at 7:30 o'clock 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 ten (10) days before such hearing and that 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 December 9, 2009 at 7:30 o'clock, p.m., regarding a proposed franchise to be granted for the operation of the transfer station located at 130 Stringham Road.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed franchise agreement as well as the identity of the successful bidder 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 8:30 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  
November 12, 2009

  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK

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  
November 12, 2009

  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK



**MEMORANDUM**

TO: Supervisor Jon J. Wagner and Town Board Members  
TO: Stephen J. Gaba, Esq.  
FROM: Greg W. Bolner, P.E. *AWB*  
DATE: November 12, 2009  
RE: Review Zoning Request's Compatibility with Town Master Plan

Per the Town Board's request, Clark Patterson Lee (CPL) have reviewed the Application for a Change of Zone submitted by Page Park Associates, LLC for the property located on the northeast corner of intersection of Taconic State Parkway and NYS Route 55 (Parcel ID # 133400-6460 02-960960) to determine its consistency with the Town's Master Plan.

The Town of LaGrange Master Plan, adopted July 13, 2005, expressed broad land use and development goals that reflected the Town's existing conditions and vision for the future. The plan recognized the need for lower intensity commercial development along Route 55 east of the Taconic State Parkway and recommended zoning changes to encourage nodal commercial development in that general area. The Master Plan also identified specific zoning modifications, including one that targeted the parcel immediately adjacent to the parcel in question. The Master Plan recommended that the zoning for the parcel directly fronting on Route 55 be changed from Town Center Business to C2. That change was implemented in zoning code revisions that were made subsequent to the Master Plan's adoption.

Given the proximity to Route 55 and the ability to develop nodally, the request for zoning change is consistent with the comprehensive plan provided that the parcel in question is combined with the adjacent parcel that fronts directly on Route 55 to the south which is currently owned by the applicant.

**RESOLUTION**

WHEREAS, the Town Board of the Town of LaGrange has a local law before it entitled: A local law to amend Chapter 240, Section 240-22 of the Town of LaGrange Town Code entitled "Zoning Map", and

WHEREAS, the Town Board has determined that it is necessary that certain property lying at the intersection of New York State Route 55 and the Taconic State Parkway which is currently zoned R-120 would more properly be assigned a zoning designation of C-2, and

WHEREAS, a proposed local law amending Chapter 240 of the Code of the Town of LaGrange has been prepared,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law entitled: A local law to amend Chapter 240, Section 240-22 of the Town of LaGrange Town Code entitled "Zoning Map", and

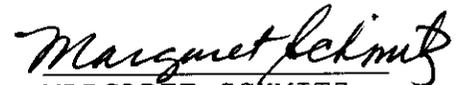
2. That an adjourned public hearing on the proposed local law is set for December 9, 2009 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

Councilman O'Hare presented the foregoing resolution which was seconded by Councilman Beck,

The vote on the foregoing resolution was as follows:

Gary E. Beck, Councilperson, voting	AYE
Joseph J. Luna, Councilperson, voting	AYE
Edward P. Jessup, Councilperson, voting	AYE
Stephen O'Hare, Councilperson, voting	AYE
Jon J. Wagner, Supervisor, voting	AYE

Dated: LaGrangeville, New York  
November 12, 2009

  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK

SJG/ef/122644  
12629-63166  
11/24/09



**RESOLUTION**

WHEREAS, the Receiver of Taxes has ceased collection of the Special Districts' warrants for 2009; and

WHEREAS, the Receiver of Taxes has provided Statements of re-levy for the year 2010 tax bills.

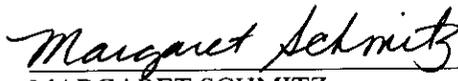
THEREFORE BE IT RESOLVED, the Town Supervisor is directed to submit the Statements of Re-levy to Dutchess County Real Property Tax for collection on the 2010 tax bills.

MOTION: Councilman Luna

SECOND: Councilman Jessup

ROLL CALL VOTE:	Supervisor Wagner	AYE
	Councilman Luna	AYE
	Councilman O'Hare	AYE
	Councilman Beck	AYE
	Councilman Jessup	AYE

DATE: LaGrangeville, NY  
November 12, 2009

  
\_\_\_\_\_  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK

## 2009 Re-Levy Water & Sewer

swiss	print_key	move_tax	location_address
133400	6360-02-627978-0000	426.69	23 Mandalay Dr
133400	6361-04-605003-0000	338.10	29 Mandalay Dr
133400	6361-04-628122-0000	29.49	47 Mandalay Dr
133400	6361-04-715241-0000	1324.02	75 Mandalay Dr
133400	6361-04-667391-0000	23.25	101 Mandalay Dr
133400	6361-04-599119-0000	880.11	42 Mandalay Dr
133400	6361-04-646191-0000	1743.99	52 Mandalay Dr
133400	6361-04-660208-0000	14.49	56 Mandalay Dr
133400	6361-04-680320-0000	338.10	76 Mandalay Dr
133400	6361-04-651376-0000	12.18	84 Mandalay Dr
133400	6361-04-641392-0000	1355.77	86 Mandalay Dr
133400	6361-04-622413-0000	1166.74	88 Mandalay Dr
133400	6361-04-621426-0000	856.82	90 Mandalay Dr
133400	6361-04-627187-0000	938.89	3 Kimball Dr
133400	6361-04-636207-0000	640.27	7 Kimball Dr
133400	6361-04-698290-0000	992.24	27 Kimball Dr
133400	6361-04-660275-0000	865.14	16 Kimball Dr
133400	6361-04-610221-0000	1345.36	12 Kimball Dr
133400	6361-04-607198-0000	960.82	8 Kimball Dr
133400	6361-04-641366-0000	610.39	13 Cromwell Dr
133400	6361-04-621375-0000	581.13	22 Cromwell Dr
133400	6361-04-655302-0000	199.83	3 Carpenter Dr
133400	6361-04-669334-0000	327.11	6 Carpenter Dr
133400	6361-04-612243-0000	316.89	4 Glen Ct
133400	6361-04-616266-0000	681.64	5 Glen Ct
133400	6361-04-628262-0000	297.41	3 Glen Ct
133400	6361-04-747300-0000	10.25	5 Saxon Dr
133400	6361-04-743322-0000	1286.42	3 Saxon Dr
133400	6361-04-662415-0000	745.08	66 Vail Rd
133400	6360-03-335289-0000	225.20	104 Simone Dr
133400	6360-03-337269-0000	606.04	112 Simone Dr
133400	6360-03-343229-0000	1654.46	128 Simone Dr
133400	6360-03-348190-0000	509.89	144 Simone Dr
133400	6360-03-368174-0000	478.65	149 Simone Dr
133400	6360-03-360253-0000	217.83	119 Simone Dr
133400	6360-03-357288-0000	1080.29	103 Simone Dr
133400	6360-03-381186-0000	250.19	140 Bart Dr
133400	6360-03-397222-0000	72.61	127 Bart Dr
133400	6360-03-409223-0000	387.26	37 Martin Dr
133400	6360-03-432202-0000	537.14	30 Martin Dr
133400	6360-03-430213-0000	220.42	34 Martin Dr
133400	6360-03-430236-0000	897.83	42 Martin Dr
133400	6360-03-428248-0000	7.45	46 Martin Dr
133400	6361-03-202080-0000	300.30	24 Angelo Blvd
133400	6361-03-225017-0000	200.20	37 Angelo Blvd

133400	6560-04-906357-0000	93.54	3 Johnson Rd
133400	6560-04-905328-0000	894.88	10 Johnson Rd
133400	6560-02-937342-0000	566.56	9 Johnson Rd
133400	6560-04-973341-0000	1387.87	20 Johnson Rd
133400	6560-04-954363-0000	36.25	13 Johnson Rd
133400	6560-04-969378-0000	608.67	17 Johnson Rd
133400	6660.03-005369-0000	57.40	28 Johnson Rd
133400	6560-04-986390-0000	382.02	21 Johnson Rd
133400	6560-04-996415-0000	165.83	27 Johnson Rd
133400	6660-03-053422-0000	263.97	9 Lorene Dr
133400	6560-04-989423-0000	241.95	29 Johnson Rd
133400	6560-04-914379-0000	162.81	26 S Cross Rd
133400	6560-04-898368-0000	622.00	22 S Cross Rd
133400	6259-02-728956-0000	249.32	47 Mac Ghee Rd
133400	6259-02-755925-0000	183.65	68 Mac Ghee Rd
133400	6259-02-746941-0000	11.03	63 Mac Ghee Rd
133400	6259-02-770926-0000	386.34	72 Mac Ghee Rd
133400	6259-02-754865-0000	307.79	108 Mac Ghee Rd
133400	6259-02-766871-0000	381.87	111 Mac Ghee Rd
133400	6259-02-775878-0000	94.60	119 Mac Ghee Rd
133400	6259-02-799869-0000	3.57	124 Mac Ghee Rd
133400	6259-02-814961-0000	323.81	10 Lakeview Rd
133400	6259-02-805985-0000	2.63	11 Lakeview Rd
133400	6259-02-847942-0000	93.56	35 Lakeview Rd
133400	6260-04-839016-0000	72.19	7 Caudie Dr
133400	6260-04-824028-0000	2.63	11 Caudie Dr
133400	6260-04-801093-0000	110.31	14 Caudie Dr
133400	6260-04-815148-0000	90.34	40 Kevin Heights
133400	6260-04-810112-0000	43.89	29 Kevin Heights
133400	6260-04-884025-0000	444.35	4 North Dr
133400	6260-04-862065-0000	86.64	11 North Dr
133400	6259-02-890983-0000	123.60	96 Daley Rd
133400	6260-02-645651-0000	11.00	178 Titusville Rd
133400	6260-02-686678-0000	161.36	183 Titusville RD
133400	6260-02-895513-0000	272.63	1 Clover Hill Dr
133400	6260-02-915573-0000	12.64	11 Clover Hill Dr
133400	6260-02-940577-0000	234.47	14 Clover Hill Dr
133400	6260-02-907695-0000	567.88	38 Clover Hill Dr
133400	6260-02-923675-0000	86.64	29 Clover Hill Dr
133400	6260-02-918662-0000	172.99	31 Clover Hill Dr
133400	6260-02-890567-0000	472.57	45 Clover Hill Dr
133400	6260-04-906449-0000	121.79	6 Partners Trace
133400	6260-04-892468-0000	61.22	5 Partners Trace
133400	6260-04-934419-0000	191.50	23 Partners Trace
133400	6260-04-839257-0000	336.26	9 Robin Hill Dr
133400	6260-04-881245-0000	820.92	8 Robin Hill Dr
133400	6260-04-841200-0000	1350.51	20 Robin Hill Dr
133400	6260-04-808219-0000	125.02	19 Robin Hill Dr
133400	6260-04-835192-0000	77.51	22 Robin Hill Dr
133400	6260-04-785168-0000	85.47	30 Robin Hill Dr

133400	6260-04-880321-0000	655.30	5 Cortlandt Dr
133400	6260-04-780306-0000	675.74	15 Cochran Hill Rd
133400	6260-04-782277-0000	744.67	21 Cochran Hill Rd
133400	6260-04-746240-0000	30.73	20 Cochran Hill Rd
133400	6260-04-790243-0000	301.75	28 Cochran Hill Rd
133400	6260-04-822280-0000	398.72	36 Cochran Hill Rd
133400	6260-04-835303-0000	442.05	40 Cochran Hill Rd
133400	6260-04-929201-0000	77.79	9 Four Winds Dr
133400	6260-04-862167-0000	484.97	26 Four Winds Dr
133400	6259-02-764890-0000	425.47	93 MacGhee Rd
133400	6260-04-950457-0000	248.78	27 Partners Trace
133400	6259-02-734948-0000	765.76	51-53 Mac Ghee Rd
133400	6260-02-799545-0000	7.00	9 Daisy Ln
133400	6360-03-204448-0000	59.88	4 Davis Rd
133400	6360-03-003481-0000	107.07	245 Titusville Rd
133400	6260-04-907415-0000	143.02	12 Partners Trace
133400	6261-02-960760-0000	473.51	170 Overlook Rd
133400	6360-02-722816-0000	355.62	42 Hillview Dr
133400	6261-02-942828-0000	8.27	5 Flynn Ln
133400	6360-01-312829-0000	25.70	14 Stonehedge Dr
133400	6261-02-970857-0000	97.04	6 Milano Dr
133400	6261-02-966863-0000	3.99	8 Milano Dr
133400	6360-02-590704-0000	73.85	18 Bushwick Rd
133400	6261-02-928874-0000	36.07	13 Milano Dr
133400	6361-03-484362-0000	352.10	23 Carol Dr
133400	6261-02-852950-0000	573.87	33 Milano Dr
133400	6261-02-934867-0000	58.14	11 Milano Dr
133400	6361-03-261308-0000	3.08	5 Sommerset Rd
133400	6261-02-858950-0000	59.76	35 Milano Dr
133400	6260-02-768682-0000	27.54	22 Rombout Ridge
133400	6360-02-646776-0000	16.50	25 Hillview Cir
133400	6260-04-701320-0000	139.39	7 Cochran Hill Rd
133400	6360-02-624937-0000	113.94	12 Mandalay Dr
133400	6361-03-137027-0000	62.73	7 Donnie Pl
133400	6361-03-039014-0000	100.93	127 Noxon Rd
133400	6361-03-054219-0000	15.20	488 Freedom Plains Rd
133400	6360-01-415804-0000	160.72	3 Locust Crest Ct
133400	6360-02-505805-0000	251.12	388 Titusville Rd
133400	6260-04-710196-0000	199.27	3 Westview Dr
133400	6361-03-020068-0000	100.43	5 Meier Rd
133400	6361-01-179696-0000	603.47	26 Ridgeline Dr
133400	6361-01-203673-0000	16.92	40 Ridgeline Dr
133400	6260-02-757656-0000	336.64	26 Rombout Ridge
133400	6261-04-999267-0000	114.14	460 Freedom Plains Rd
133400	6261-04-991271-0000	432.17	456 Freedom Rd
133400	6361-01-185744-0000	14.39	15 Ridgeline Dr
133400	6261-02-949833-0000	310.79	3 Flynn Ln
133400	6260-04-620248-0000	16.50	12 Walker Rd
133400	6361-03-459345-0000	102.29	26 Carol Dr
133400	6360-01-410851-0000	1020.41	7 Locust Crest Ct

PAGE 4

133400	6360-02-534577-0000	254.25	18 Manor Dr W
133400	6360-02-641963-0000	94.82	13 Mandalay Dr
133400	6360-03-345350-0000	16.50	31 South View Ct
133400	6261-02-922506-0000	20.65	11 Hartstone Dr
133400	6360-03-302356-0000	857.78	399 Noxon Rd
133400	6360-03-304433-0000	1105.47	16 Scenic Hills Dr
133400	6360-03-323466-0000	1365.17	3 Tay Pl
133400	6360-03-319480-0000	136.63	28 Scenic Hills Dr
133400	6360-01-357561-0000	438.61	46 Scenic Hills Dr
133400	6360-01-380589-0000	921.53	78 Scenic Hills Dr
133400	6360-01-387582-0000	8249.68	76 High Acres Dr
133400	6360-01-390539-0000	202.79	3 Pavinchal Pl
133400	6360-01-417552-0000	856.51	68 High Acres Dr
133400	6360-03-386498-0000	512.91	10 Mark Vincent Dr
133400	6360-03-391455-0000	2150.43	17 Mark Vincent Dr
133400	6360-03-443470-0000	795.54	10 Frederick Dr
133400	6360-03-457452-0000	482.51	14 Frederick Dr
133400	6360-03-476425-0000	2062.81	20 Frederick Dr
133400	6360-03-491396-0000	181.44	26 Frederick Dr
133400	6360-01-279537-0000	1637.22	308 Titusville Rd
133400	6360-01-244521-0000	3227.28	301 Titusville Rd
133400	6360-01-421630-0000	13.07	64 Scenic Hills Dr
133400	6360-01-429639-0000	228.80	2 Tanglewood Ln
133400	6360-01-442565-0000	2335.64	21 Tanglewood Ln
133400	6360-01-477704-0000	1055.78	82 Scenic Hills Dr
133400	6360-01-496757-0000	1773.68	5 Hickory Ln
133400	6360-01-498792-0000	259.18	8 Elm Ct
133400	6360-01-490800-0000	305.47	3 Elm Ct
133400	6360-01-478755-0000	1735.41	92 Scenic Hills Dr
133400	6360-01-449753-0000	819.50	3 Ash Ct
133400	6360-01-461750-0000	154.62	1 Ash Ct
133400	6360-01-458710-0000	112.70	79 Scenic Hills Dr
133400	6360-01-426748-0000	112.70	14 Mulberry Ln
133400	6360-01-439677-0000	843.79	73 Scenic Hills Dr
133400	6360-01-390668-0000	1706.45	13 Glenwood Rd
133400	6360-01-377652-0000	1259.24	9 Glenwood Rd
133400	6360-01-371643-0000	632.90	7 Glenwood Rd
133400	6360-01-380612-0000	21.95	1 Glenwood Rd
133400	6460-04-688405-0000	60.53	6 Park View Ln
133400	6460-03-448035-0000	5.51	11 Vincent Rd
133400	6459-01-466989-0000	499.88	21 Vincent Rd
133400	6459-01-473972-0000	27.82	901 Noxon Rd
133400	6459-01-421995-0000	9.76	16 Exeter Rd
133400	6460-03-407012-0000	118.77	12 Exeter Rd
133400	6460-03-408055-0000	319.01	3 Exeter Rd
133400	6460-03-420026-0000	169.14	9 Exeter Rd
133400	6460-03-423050-0000	86.21	8 Vincent Rd
133400	6459-01-427987-0000	60.26	3 Kinkead Ln
133400	6459-02-620990-0000	168.88	8 Memory Trail
133400	6460-03-460106-0000	328.42	95 Memory Trail

133400	6460-11-631681-0000	336.32	129 Stringham Rd #1
133400	6460-11-603671-0000	35.71	129 Stringham Rd #11
133400	6460-11-601673-0000	48.08	129 Stringham Rd #13
133400	6460-11-605666-0000	19.42	129 Stringham Rd #14
133400	6460-11-602684-0000	3.79	129 Stringham Rd #18
133400	6460-04-526220-0000	50.45	55 Ehmer Dr
133400	6460-04-583171-0000	84.83	28 Ehmer Dr
133400	6460-04-601110-0000	343.12	44 Memory Trail
133400	6460-04-553149-0000	262.99	23 Ehmer Dr
133400	6460-11-550553-0000	1.20	119 Stringham Rd #47
133400	6460-11-634544-0000	51.61	119 Stringham Rd #25
133400	6460-04-530206-0000	83.67	47 Ehmer Dr
133400	6460-02-604956-0000	330.31	1131-1145 Route 55
133400	6461-03-060190-0000	81.52	24 Michael's Ln
133400	6460-03-441096-0000	402.44	83 Heritage Ln
133400	6460-03-491015-0000	80.58	53 Heritage Ln
133400	6459-02-589981-0000	44.96	3 Heritage Ln
133400	6460-04-556015-0000	83.06	35 Heritage Ln
133400	6460-03-465034-0000	429.75	63 Heritage Ln
133400	6460-01-284978-0000	300.22	26 Timothy Ln
133400	6461-03-445015-0000	38.03	8 Dr Fink Rd
133400	6460-02-619920-0000	97.30	1144 NY Rte 55
133400	6460-01-458981-0000	18.81	1081 Rte 55
133400	6460-01-074998-0000	1.71	29 Victor Dr
133400	6460-02-782953-0000	118.04	21 Skidmore Rd
133400	6461-03-023068-0000	37.62	59 Victor Dr
133400	6460-11-588572-0000	17.10	119 Stringham Rd #12
133400	6460-02-827873-0000	93.53	1220 Rte 55
133400	6461-03-015103-0000	37.97	8 Brian Ct
133400	6461-03-016064-0000	403.32	11 Brian Ct
133400	6461-03-116229-0000	183.03	111 Cramer Rd
133400	6361-04-947093-0000	334.20	40 Brian Ct
133400	6460-01-466978-0000	1.79	1085 Rte 55
133400	6360-01-444814-0000	14.12	16 Locust Crest Ct
133400	6360-01-372724-0000	155.32	353 Titusville Rd
133400	6360-02-641811-0000	612.37	35 Hillview Cir
133400	6360-02-641963-0000	457.05	13 Mandalay Dr
133400	6360-02-618945-0000	310.64	14 Mandalay Dr
133400	6360-02-727765-0000	300.96	26 Hillview Dr
133400	6360-02-699789-0000	14.11	33 Hillview Dr
133400	6360-02-515611-0000	612.37	19 Manor Dr W
133400	6360-01-351740-0000	612.37	23 Stonehedge Dr
133400	6360-01-357887-0000	14.12	6 Stonehedge Dr
133400	6360-02-677798-0000	141.20	32 Hillview Cir

2009 Grand totals for Water & Sewer

\$100,954.53

**2009 Miscellaneous Re-Levy Charge**

133400            6461-03-116229-0000            488.41            111 Cramer Rd

This charge is for:

2008 Out of District Benefit Unit Charge	\$258.87
2009 Out of District Benefit Unit Charge	\$229.54

## RESOLUTION

Councilman O'Hare offered the following resolution which was seconded by Councilman Luna, who moved this adoption:

WHEREAS, on November 30, 2005, the Town Board adopted a Local Law conditionally amending the Zoning Map to allow a change of use of the PDD Zoning District at 165 Overlook Road in the Town of LaGrange to accommodate multi-family residential use in accordance with a concept plan of development entitled "Overlook Place"; and

WHEREAS, on October 18, 2007, the Town of LaGrange Planning Board issued a resolution of conditional final project development plan approval for Overlook Place consisting of approximately 15.9 acres at LaGrange Tax Map No. 6261-02-896803, and more particularly located at the intersection of Overlook Road and DeGarmo Road; and

WHEREAS, §240-33(D)(1) of the Town Code calls generally for construction of the development authorized by a PDD rezoning and project development plan approval to be commenced within one year of the resolution of project development plan approval by the Planning Board, i.e. in this case by October 18, 2008; and

WHEREAS, by Local Law #10 of the year 2008, the Town Board amended §240-33(D)(1) of the Town Code to provide the opportunity for the Town Board, upon application of the PDD

development, to grant one year extension(s) against the lapse of Town Board rezoning and Planning Board project development plan approvals for a PDD; and

WHEREAS, on November 12, 2008, the Town Board issued a one year extension effective for the period October 18, 2008 to October 18, 2009; and

WHEREAS, Overlook Place has applied for a further one year extension of such approvals, by letter of Levine and Levine dated October 26, 2009.

NOW, IT IS HEREBY RESOLVED as follows:

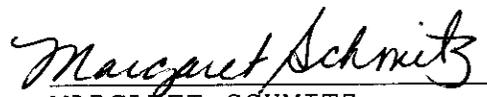
1. In the exercise of its sole legislative discretion, and after review of the criteria set forth in §240-33(D)(1) of the Town Code, the Town Board grants an extension of the PDD rezoning and project development plan approvals for the Overlook Place PDD project, said one year extension shall be effective as of October 18, 2009, and it shall expire on October 18, 2010.
2. This Resolution is subject to the following conditions which shall be fulfilled by the Project Developer no later than November 19, 2009, failing which this Resolution shall be of no force and effect:
  - a) payment of the PDD extension fee identified in the Town of LaGrange's fee schedule, and

- b) payment of the Town's consulting fee expenses in the drafting of the amendment to §240-33(D)(1) of the Town Code, and in the review and processing of this application for extension, and
- c) payment of any and all outstanding fees or consultant costs of the Town regarding the earlier rezoning or project development plan approvals.

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

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

DATED: LaGrangeville, New York  
November 12, 2009

  
MARGARET SCHMITZ,  
DEPUTY TOWN CLERK