

LaGrange Town Board Meeting

July 14, 2010

AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from June 23, 2010

Monthly Reports

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

- | | |
|---|--------------------|
| • Building, Zoning, Public Works & Planning | Total \$ 15,330.00 |
| • Highway Department | Total \$ 500.00 |
| • Justice Caplicki (incl. State Share) | Total \$ 37,460.00 |
| • Justice Greller (incl. State Share) | Total \$ 32,903.00 |
| • Recreation | Total \$ 51,339.89 |
| • Town Clerk (incl. State & County Share) | Total \$ 1,928.87 |

Supervisor's Report

Correspondence

- LaGrange Historical Society
- Time Warner Cable

Agenda Items

Public Hearing

- Dog Park Local Law

Resolution

- Amendment to the standard work day and reporting resolution for the New York State Retirement System

Lourdes High School

- Town Board to discuss allowing Lourdes High School to use Overlook Field for their home football games

Permission to Utilize Town Park

- Frank Evert, president of Water without Borders is requesting Town Board's permission to use Stringham Park to have its second annual "Walk for Water" on Saturday, October 2, 2010 at 11:00am

Building Permit Fee Refund

- The Building Inspector is requesting Town Board's approval to return the building permit fee to resident at grid # 6562-03-171269

Resignation

- Town Board has received Tracy Johnson's resignation letter resigning from the LaGrange Zoning Board of Appeals

Announcement

- Town Board is soliciting applications for Zoning Board of Appeals

LPI Expenditure (Park Improvements)

- The Town Board will discuss entering into a partnership with Hudson Valley Knights Pop Warner Football to add certain permanent improvements to Overlook Park as follows:
 - ENGINEERING costs for DCDOH approved design totaling \$2,500.00
 - WATER CONNECTION - The Town Board will discuss using LPI money to fund the difference in cost for the larger pipe in anticipation of future water needs elsewhere in the park. This involves the excess cost of \$3,500.00 to provide for a 6" water line rather than a 4" water line. Pop Warner will pay for the cost of the 4" line that it needs to provide water to the building.
 - SEWER CONNECTION - The Town Board will discuss using \$13,000.00 of LPI money to connect the shared building constructed by Pop Warner to the existing sewer line in the park. The shared building will provide space for community groups and seniors to hold various programs. The sewer connection will also allow for future park improvements.

Pop Warner has agreed to handle all excavation work and will install the infrastructure without cost to the town.

Therefore the total financing the Town is offering is \$20,000.00 as well as site inspection. It is the Towns' understanding that Pop Warner will be furnishing all labor and purchasing the material. In order to remain compliant with Town requirements, all work will need to be coordinated and inspected by the Administrator of Public Works.

Bond Agreements

- Building Inspector is requesting Town Board's approval for Soil Erosion Bonds for the following grid #'s:
 - 6362-04-518368
 - 6461-03-104421
 - 6362-02-609759
 - 6360-03-335429
 - 6360-03-351335
 - 6361-01-123561
 - 6361-03-088484
 - 6361-01-064553
 - 6361-01-042504
 - 6361-01-149614
 - 6361-01-084604

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

- GIGP Titusville WWTP aeration upgrade project: request for approval for Change Order #3 for \$27,920 for fixed access ladders to aeration system in each SBR tank, emergency suction piping for access to aeration piping and for control wiring and conduit for aeration blowers. The contract total to date for this project with this change order would be \$341,925.

- Old Titusville WWIP demolition is ready to go to bid Thursday or Friday

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
JULY 14, 2010**

- Present:** Councilman Gary Beck
Councilman Stephen O'Hare
Councilman Edward P. Jessup
- Absent:** Supervisor Jon J. Wagner
Councilman Joseph Luna
- Recording Secretary:** Margaret Schmitz, Deputy Town Clerk
- Others Present:** Rebecca Valk, Esq. Van De Water & Van De Water
Peter Huff, Parks & Recreation Director
Wanda Livigni, Administrator of Public Works
Diana Campaglione, Environmental Consultants

A Regular Meeting of the Town Board was held on Wednesday, July 14, 2010 at the LaGrange Town Hall, 120 Stringham Road. Councilman O'Hare called the meeting to order at 7:30 p.m. The Deputy Town Clerk led the flag salute.

Councilman O'Hare requested a motion to accept the minutes from June 23, 2010. Councilman Jessup so moved; seconded by Councilman Beck; carried unanimously.

Councilman O'Hare requested a motion to accept the monthly reports for June, 2010. Councilman Beck so moved; seconded by Councilman Jessup; carried unanimously.

Building, Zoning, Public Works & Planning	Total \$ 15,330.00
Highway Department	Total \$ 500.00
Justice Caplicki (incl. State Share)	Total \$ 37,460.00
Justice Greller (incl. State Share)	Total \$ 32,903.00
Recreation	Total \$ 51,339.89
Town Clerk (incl. State & County Share)	Total \$ 1,928.87

Supervisors Report – No Report

Correspondence

Councilman O'Hare read a card from Lynn Owen, President of the LaGrange Historical Society, thanking the Town for its support of the 2010 Historic Home Garden Tour.

Councilman O'Hare stated that notification of programming changes have been received from Time Warner Cable and is on file in the Town Clerk's Office for two weeks.

Agenda Items

Public Hearing

Councilman O'Hare requested a motion to open the Public Hearing concerning the proposed dog park legislation. Councilman Jessup so moved; seconded by Councilman Beck, carried unanimously.

Councilman O'Hare suspended the Public Hearing to allow those individuals wishing to speak to be summoned to the meeting room.

Resolution

Councilman O'Hare read into the record a Resolution amending the Standard Workday Reporting for J. Luna and M. Kelly for the New York State Retirement System. Councilman Jessup made a motion to approve the resolution; seconded by Councilman Beck; carried unanimously. (SEE ADDENDUM)

Oral Resolution

Councilman O'Hare introduced an application from Lourdes High School to enter into an agreement with Pop Warner to use the fields at Overlook Park. Lourdes would provide a certificate of insurance and the games would be subject to Pop Warner's scheduling. Councilman Beck made a motion authorizing Lourdes to enter into the Use Agreement with Pop Warner; seconded by Councilman Jessup; carried unanimously.

Oral Resolution

Councilman O'Hare stated that Water Without Borders has requested permission to use Stringham Park for their Walk for Water, held on October 2, 2010 at 11:00. Councilman Beck moved to approve the request; seconded by Councilman Jessup; carried unanimously.

Oral Resolution

Councilman O'Hare stated that the Building Inspector, Ken McLaughlin, has requested authorization to refund a Building Permit Fee of \$450.00 for Grid No. 6562-03-171269 that was paid on January 29, 2008. Councilman Beck made a motion to deny the request; seconded by Councilman Jessup; carried unanimously.

Resignation

Councilman O'Hare stated that a letter of resignation has been received by Tracy Johnson, whereby he resigns from the Zoning Board of Appeals effective June 30, 2010. Councilman Jessup moved to accept, with regrets, Mr. Johnson's resignation; seconded, with regrets, by Councilman Beck; carried unanimously.

Public Hearing

Councilman O'Hare requested a motion to reopen the Public Hearing regarding the proposed legislation concerning dog parks. Councilman Jessup so moved; seconded by Councilman Beck; carried unanimously. Affidavit of Publication provided. (SEE ADDENDUM)

Members of the audience requested copies of the proposed legislation; which was then provided. Councilman O'Hare suspended the Public Hearing to allow those present to read the proposed legislation document. Councilman Beck moved to suspend the Public Hearing; seconded by Councilman Jessup; carried unanimously.

Announcement

Councilman O'Hare announced that the Town Board is soliciting applications for candidates to serve on the Zoning Board of Appeals.

Oral Resolution

Councilman O'Hare opened a discussion regarding the Town Board entering into a partnership with Hudson Valley Knights and Pop Warner Football to add certain permanent improvements to Overlook Park. Councilman O'Hare stated the improvements to be considered are: Engineering costs of \$2,500.00, water connection at a cost of \$3,500, and sewer connection at a cost of \$13,000.00. Councilman O'Hare stated that Pop Warner would like to share in the cost and labor needed to hook up their sewer system to the Town's central sewer system. Councilman O'Hare stated that the original plan was to have water and septic at Overlook Park, which turned out not to be feasible. The alternative is to hook up to the sewer plant that is right there on the premises. The Town is offering \$20,000.00 as well as site inspection. The Town's position is that it would support these improvements at Overlook Park, however further discussion is needed. Councilman O'Hare stated that Pop Warner would like to cover the cost of materials needed to provide water to the building; however the Town would like a larger pipe in anticipation of future needs and a higher level of service.

Wanda Livigni stated that the town engineer based the design on what DOH would approve, as well as being compliant with the Town's water and sewer protocols. She added that the figures for materials were derived by the town engineer. A brief discussion of material costs followed.

Councilman O'Hare stated that he would like to have Pop Warner in to discuss this further. He added that Pop Warner has put about \$500,000.00 into this project in the past year, at no expense to the Town. Councilman O'Hare stated that Pop Warner is at the finish line and at a financial

breaking point. Councilman O'Hare stated that he invited Pop Warner to attend the next workshop meeting. Councilman Beck moved to approve the preliminary figures previously mentioned; Councilman Jessup seconded the motion; carried unanimously.

Soil Erosion Bonds

Councilman O'Hare read into the record a list of soil erosion bond agreements that the Building Inspector has requested the Town Board approved. Councilman Beck questioned if some of the bonds on the list have been previously approved and noted that the list contains an invalid date. Councilman Beck moved to adjourn this agenda item until clarification is provided; seconded by Councilman Jessup; carried unanimously.

Public Hearing

Councilman Jessup moved to re-open the public hearing regarding dog parks; seconded by Councilman Beck; carried unanimously.

Mary Bull, Hart Drive, Poughkeepsie, questioned the American Bull Dog on the list of banned breeds, because they are not Pit Bulls. She stated there are a number of American Bull Dogs that go to the dog park and they behave very well.

Steve Henderson, Harold Drive, Poughkeepsie, stated that that the legislation says you are not allowed to play ball with your dog; he was unsure what that meant.

Rebecca Valk stated that means no playing football, baseball, or soccer while in the leash free area. Ms. Valk stated that she is from the Town Attorney's office and that is how they would interpret it for the Town.

Mr. Henderson asked if you can play games with your dog, with balls.

Ms. Valk replied that, "Yes, you can; I don't read it to restrict you from playing ball with your animal."

Councilman Beck added that this also applies to residents of the Town of Wappingers as well.

Lorraine Murphy, Lakeview Road, stated she is widowed and has no dogs and when she is feeling down she goes to the dog park and it makes her feel so much better. Mrs. Murphy thanked those responsible for establishing the dog park. Mrs. Murphy addressed the fee and stated that East Fishkill charges a fee and when they started to charge, the attendance greatly diminished. Mrs. Murphy asked if a sign could be put up because a lot of neighbors are new to the area and they don't have a clue as to where the dog park is. She also asked, since there is going to be a charge, can they do something about shade? She stated that she heard that some people were going to get together to build a shelter and that someone was going to donate materials, but they need someone to supervise. Mrs. Murphy stated that she would gladly pay, but she thinks that you will keep people out by charging. She asked, "Is the Town of LaGrange in that bad a shape that we need to charge to bring dogs to a park?"

Rebecca Valk stated that it is not about making money, however when you charge you tend to attract people who are more responsible with their animals.

Wanda Livigni stated that charging a fee is to compensate for maintenance and upkeep performed by the Parks Department; it is not a money making fee.

Councilman Beck asked Wendy Greenfeld to address these questions, as she is the driving force behind the dog park. He added that if it were not for Ms. Greenfeld, the Town would not have done this dog park.

Wendy Greenfeld, Scenic Hills Drive, thanked everyone for their support. She stated that as far as a pavilion goes, she is working on that; the materials have been donated by Henry Page. Ms. Greenfeld added that she has a contractor willing to build the pavilion, and that contractor has other contractors willing to work together with him. Ms. Greenfeld stated she hopes to have it done by the end of the summer.

Ms. Greenfeld addressed charging a fee for the dog park, and stated she does not disagree with charging a fee and neither do most of the other people she has spoken with; it gives a sense of ownership. Ms. Greenfeld stated that there are a large number of people using the park now and perhaps it may be over used at this time. She added that the fee may weed out some people and make it more manageable.

Rebecca Valk respectfully disagreed with the comment regarding dog owners being responsible because they put their dog in the car to bring them to the dog park. Ms. Valk stated that she also works for the Town of East Fishkill and there have been incidents where people bring their dogs to their dog park, unvaccinated, and the dog has gotten into a tussle with another dog. Ms. Valk also stated that there have been situations where someone from another Town, out of the area, comes to the park, their dog gets into a tussle and the Town does not know where to find them and it cannot be determined if the dog had a vaccination.

Councilman Jessup asked if there has been any talk about providing water for the dogs. Ms. Greenfeld stated that is not in the works at the moment.

Ms. Greenfeld stated that it is her understanding that although the money collected in fees goes into the general fund, it will be earmarked for capital improvements in the park.

Peter Huff stated that most of the fees go toward administration and maintenance.

Councilman Jessup stated that he received a call from Frank Sforza, Mulberry Lane, complimenting Wendy on her efforts; he has brought his dogs there dozens of times and just raves about it. Councilman Jessup stated that Mr. Sforza wanted to make Wendy Greenfeld an honorary member and suggest she be issued the first dog tag and the fee shall be waived.

Ms. Greenfeld addressed signs and stated that a sign is necessary to post that Pit Bulls are banned, and if the police are to be called, that should be on the sign as well. Councilman Beck

asked Ms. Greenfeld if she would work with Peter Huff on the signage. Ms.Greenfeld said she would.

Councilman Beck made a motion to close the Public Hearing; seconded by Councilman Jessup; carried unanimously.

Resolution

Councilman O'Hare asked the Board if they were prepared to vote on the proposed Local Law #3-2010 Resolution concerning dog parks. Councilman Beck moved to approve Local Law 3-2010; seconded by Councilman Jessup; carried unanimously. (SEE ADDENDUM)

Committee Reports

Water & Sewer – No Report

Recreation Report – No Report

Open Space

Councilman Jessup reported that he received a letter from Jennifer Cherry, of Dutchess Land Conservancy. She is looking to do some private fund raising to help purchase the Pierson property to offset the funds that the Town was unable to get from the County. Councilman Jessup added that the Board will need to vet out what it wants to do with the Sleight property. He stated that Supervisor Wagner had mentioned to him the idea of having the Rail Trail go around the property in hopes that the Town could get more money; the Sleights were not interested in that idea. Councilman O'Hare suggested discussing that at the next workshop.

Highway

Councilman Jessup reported that the Highway Committee met on June 28th. The salt shed and narrow band radios were discussed; a detailed report was provided to the Board in letter form. The next meeting will be mid-to-late November.

Town Board

Councilman Jessup thanked those present for voicing their opinion regarding the dog park.

Councilman Beck wished to thank Wendy Greenfeld for the dog park. He stated he didn't think this was a great project and now has to eat his words; it is a fabulous project.

Town Attorney – No Comments

Administrator of Public Works

Wanda Livigni distributed proposed Change Order No. 3 to the Town Board, for the Green Innovative Grant Program, Titusville Waste Water Treatment Plant aeration upgrade. Ms. Livigni explained the change order to the Board and stated that EFC would approve this change order. Ms. Livigni respectfully requested the Town Board's approval for Change Order No. 3. Councilman Jessup moved to approve the change order; seconded by Councilman Beck; carried unanimously. (SEE ADDENDUM)

Ms. Livigni informed the Board that the demolition for the former Titusville Waste Water Treatment Plant bid document should be ready for bid by Thursday or Friday of this week.

Environmental Consultants – No Report

Public Comment

Brad Westrick, Our Lady of Lourdes, Athletic Director, spoke on behalf of Father Lagiovane and the Our Lady of Lourdes Community to extend their appreciation and thanks to the Town for working with the school and the athletic department.

Councilman Jessup made a motion to adjourn the meeting; seconded by Councilman Beck; carried unanimously. The meeting adjourned at 8:10 p.m.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Amended Resolution: Standard Workday Report for NYS Retirement System**
- **Affidavit of Publication: Notice of Public Hearing – Dog Parks**
- **Resolution: Local Law #3-2010, Dog Parks**
- **Change Order No. 3: GIGP / Titusville WWTF Aeration Upgrades**

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the **Town of LaGrange** hereby established the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
Elected Officials							
Councilman	Joseph Luna	Redacted	Redacted	6 hrs/day	1/1/10 to 12/31/13	N	21.29 days per quarter
Highway Superintendent	Michal Kelly	Redacted	Redacted	8 hrs/day	1/1/10 to 12/31/13	N	20
Appointed Officials							

On this 14th day of July, 2010



Date enacted: July 14, 2010

(Signature of clerk)

I, Margaret Schmitz, deputy clerk of the governing board of the **Town of LaGrange**,

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14th day of July, 2010 on file as part of the minutes of such meeting, and that same is true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 3 of such members voted in favor of the above resolution, and 2 of such members were absent.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the

Town of LaGrange

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 2010 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 7th
day of July in the year of 2010 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2010, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 5th day
of July in the year of 2010.

Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

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 July 14, 2010 at 7:30 o'clock p.m., on a proposed local law regulating Dog Parks.
TAKE FURTHER NOTICE that copies of the aforesaid proposed local law 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
June 24, 2010
MARGARET SCHMITZ
DEPUTY TOWN CLERK
4089

RESOLUTION

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

WHEREAS, a local law was introduced entitled LOCAL LAW NO. 3 OF THE YEAR 2010, OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING THE TOWN CODE TO ADD A NEW CHAPTER 75 REGULATING DOG PARKS.

WHEREAS, a public hearing in relation to said local law was held on July 14, 2010 at 7:30 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. The LaGrange Town Code is amended to add the following new Chapter 75 entitled Dog Parks, and reading as follows:

Section 75-1. Purpose.

The purpose of this Chapter is to implement policies and regulations for municipal dog parks established by the Town. The Chapter applies to any Town-owned and operated dog park, or

any portion of a multi-use park of the Town where an area is designated as a dog park by fencing and signage.

Section 75-2. Applicability.

This Chapter applies to municipal dog parks, and it does not supersede the obligations of dog owners or handlers under either Chapter 69 of the Town Code or under Article 7 of this state's Agriculture and Markets Law. With the exception of the fact that dogs are allowed to be off leash within the fenced area of a dog park, these other provisions of state statute and town code, regarding animal behavior and dog owner responsibility, are applicable to all users of dog parks. The behavior of a dog as a dangerous dog within the meaning of Article 7 of the Agriculture and Markets Law, and the enforcement and remedies pertaining thereto, shall be equally applicable to behavior of unleashed or leashed dogs within a dog park.

Section 75-3. Definitions.

ADULT DOG - a dog over 12 months of age.

DANGEROUS DOG - a dog which without justification attacks a person, companion animal, farm animal and causes physical injury or death or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animal, or without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death. It is the intent of this definition that a dangerous dog for purposes of this Chapter shall be the same as defined within Article 7 of this state's Agriculture and Markets Law, and that the terms physical injury or serious physical injury shall have the same meaning as set forth in that statute.

DOG PARK - a fenced and enclosed area either existing independently, or forming a part of a town park, that has been designated by the Town for use as an off-leash dog area for the exclusive use of dogs and their handlers.

ENFORCEMENT OFFICER - the Town's Recreation Director, a police officer or animal control officer.

HANDLER - the person who accompanies a dog for the purpose of its supervision. The handler shall either be the owner of the dog or a responsible person permitted by the owner to bring the dog to the dog park. Any liability of the handler under this Chapter shall not be forgiven or excused because the handler did not, in reality, possess the consent of the dog's owner.

OFF-LEASH AREA - the fenced, secured section of a dog park where the dog is allowed to exercise without a leash and under supervision of a handler.

ON-LEASH AREA - any portion of the dog park not included within the fenced and secured off-leash area.

PIT BULL - a dog meeting any of the following standards:

1. An American Pit Bull Terrier
2. A Staffordshire Bull Terrier
3. An American Staffordshire Terrier
4. An American Bulldog, or
5. Any other pure bred or mixed breed dog whose appearance and physical characteristics is predominately those of any of the dogs listed above, or is a combination of any of the dogs listed above.

Inclusion of this definition is not equivalent to a breed-specific designation of pit bulls as a "dangerous dog" within the meaning of Article 7 of the Agriculture and Markets Law. Instead this definition is provided merely in connection with regulation of access of certain dogs to an off-leash area of an enclosed dog park where human anxiety and fear of an unleashed type of breed can be expected (a) to discourage and chill use and enjoyment of the facility by many residents, and (b) to contribute to heightened and more frequent incidents of unstable behavior among dogs and handlers within a confined area where incidents of instability involving this particular breed may engage the significant strength and destructive power characterizing the breed's anatomy.

PUPPY - a dog between birth and 12 months of age.

SHARED-USE OR MULTI-USE PARK - a park that has playground equipment, an athletic playing field(s), or any other use that attracts children, and which facility includes a designated dog park.

Section 75-4. Designation and Regulation of Dog Parks.

- A. The Town Board may designate, establish and improve dog parks as recreational amenities. In so doing, the Town Board shall segregate and secure a separate area as a off-leash area for dogs and their handlers, and the Town Board may exercise that function either through the establishment of property for exclusive use as a dog park, or by the segregation and setting aside of area for a dog park within lands devoted to other municipal uses, recreational or otherwise.
- B. In establishing dog parks for the exclusive use of dogs and their handlers, the Town Board shall consider the property's size, location and frequency of use by members of the public, the primary, actual or designed use of each parcel of land prior to the establishment of a dog park, and the character and proximity of neighboring uses of land.
- C. The recreation director shall post signs that notify the public of the separation between off-leash or on-leash areas for dogs.
- D. Off-leash areas shall be securely and appropriately fenced to avoid an unleashed dog's escaping the control of its handler and exiting of the off-leash area.
- E. If practical and funds are made available, the recreation director may designate a separate, fenced and secured section within a dog park to accompany dogs that weigh 20 pounds or less, but this is not an essential standard or goal.
- F. The recreation director may designate, if feasible and funds are available, a play and training section for the protection of puppies that shall be segregated and secured from other areas of the dog park, although this is not an essential standard or goal.
- G. The Town Board may adopt by resolution more specific rules and regulations pertaining to the use of dog parks. The failure of the Town Board to adopt regulations shall not render ineffective the provisions of this Chapter.
- H. Activities within the dog park shall be limited to exercise of dogs accompanied by handlers and others, and there shall

be no other allowable recreational activities such as ball playing or other recreational activities.

- I. The maximum hours of usage of a dog park shall be dawn to dusk, unless otherwise fixed by regulations adopted by Town Board resolution.

Section 75-5. Obligations of Handler.

- A. Handlers shall be responsible for all actions and behavior of their dogs, and shall be responsible and liable for all injuries or damage caused by their dogs while on Town property.
- B. Handlers shall be responsible for removing any feces, vomit or other waste material produced by their dogs, and depositing such materials in an appropriate container.
- C. Handlers shall keep their dogs on a leash no longer than six feet in length when entering the dog park facility and before moving the dogs into the off-leash area.
- D. While dogs are in the off-leash area, handler shall control their dogs by sound or voice command.
- E. Handlers shall closely supervise minor children who accompany them to the dog park.
- F. The Town of LaGrange, and its officers and employees, shall not be liable for any injury or harm to any person or dog incurred or caused by any person or dog entering or remaining in the on-leash or off-leash areas of a dog park. Persons who make use of, or register to use, dog park facilities of the Town shall be required to sign a waiver and release of liability on behalf of the Town for such injury or harm. Failure to be presented, or to sign, a waiver and release shall not in any way limit the Town's, and its officers' and employees', exemption from liability under this sub-section.
- G. The recreation director, or his designee, shall have the right to deny any person or dog access to any or all dog parks of the Town for breach of the policies and regulations set forth in this Chapter, or of separate regulations adopted by resolution of the Town Board.

- H. The actual owner of any dog, if different than the handler, shall be responsible and liable vicariously for the actions and conduct of the dog or handler which results in injury or damage in cases where the owner consented to the handler's possession and supervision of the dog.

Section 75-6. Prohibition of Alcohol, Drug Use, or Food.

- A. Possession or consumption of alcohol or drugs is prohibited in dog parks at all times. All handlers shall be free from the influence of alcohol or drugs while escorting, transiting, training or accompanying a dog in a dog park.
- B. No food, including dog food or treats, shall be allowed in the off-leash area of a dog park.

Section 75-7. Prohibition of Noise-Producing Devices.

- A. In order to promote the ability of each handler to keep a dog under voice and sound control within the dog park, the use of any noise-producing devices including radio, television sets, musical instruments, boom boxes, or equipment driven by motors or engines is prohibited in a dog park.
- B. This section shall not prohibit the use of law enforcement equipment, equipment for custodial maintenance, or the use of mobility enhancing devices for disabled individuals.

Section 75-8. Dog Vaccinations.

- A. Before entering a dog park, each dog shall have current vaccinations required by law, and each handler shall be prepared to provide documentation to enforcement officers of the current vaccinations upon request. Suitable documentation shall consist of veterinary records, vaccine certificates and/or receipts identifying vaccinations issued by a licensed veterinarian. Dogs shall be free of internal parasites upon entering a dog park. Dogs shall have been treated within the preceding 30 days of entry for control of fleas, ticks or other external parasites.
- B. Required vaccinations shall include distemper virus, infectious canine hepatitis, leptospirosis, parvo virus,

together with any other vaccinations required by state or county law which are not included among the aforesaid. Unless required by state or county law, it is recommended but not required that dogs have current vaccination for parinfluenza and bordetella.

Section 75-9. Responsibilities of Handlers; Control of Dogs.

- A. Any dog transited to or from the handler's vehicle, or outside of a designated off-leash area, shall be on a leash no longer than six feet.
- B. Handlers shall carry a leash no longer than six feet for each dog in the handler's care in the off-leash area.
- C. A handler shall not bring more than two dogs into the off-leash area at any time.
- D. To prevent injury, a handler shall remove pinch or choke collars from a dog before entry to the off-leash area.
- E. A handler shall not bring a puppy under the age of 16 weeks into any dog park.
- F. Female dogs in estrus (commonly referred to as "in heat") shall be prohibited from entering any portion of a dog park, either on-leash or off-leash areas.
- G. When the handler's dog is in the off-leash area, the handler shall remain within the off-leash area, and the handler shall keep dogs within view and under verbal, sound or signal control at all times.
- H. Each handler in the off-leash area shall be at least 18 years of age. Minor children entering the off-leash area must be accompanied by a responsible adult. Children six (6) years of age and under are not allowed in the off-leash area.
- I. All dogs shall have valid dog license tags attached to it.
- J. Handlers shall comply with all other dog park rules. Rules shall be posted by the recreation director in an easily visible location of each dog park.

Section 75-10. Dog Behavior.

- A. Handlers shall insure that dogs demonstrate safe behavior and social interaction at all times toward people and other dogs.
- B. Dogs displaying aggressive behavior toward people or other dogs shall be immediately leashed and removed from the off-leash area, after which they shall directly leave the town park.
- C. Local or state regulations pertaining to dangerous dogs are applicable to all dogs and handlers entering a dog park. Those state or local regulations are not suspended while a dog or handler is within an off-leash area.
- D. The recreation director, his designee, or any enforcement officer may issue a written notice against trespass barring future entry of any handler or dog in situations where a dog has displayed aggressive, dangerous or vicious behavior towards any other dog or person within a dog park. Causation of actual physical injury is not a prerequisite to issuance of the notice. Persons receiving such a trespass notice shall be liable to prosecution for trespass under this state's Penal Law in the event of disobedience or violation of that notice.

Section 75-11. Dog Park Entry Requirements; Fees.

- A. Each dog entering a dog park shall have a current dog license and tag issued pursuant to Article 7 of the state's Agriculture and Market Law. The dog license tag shall be attached to the dog's collar, and such collar shall remain on the dog at all times while in the dog park or moving to or from the dog park.
- B. Each dog entering a dog park shall wear an individual dog park entry tag indicating that the annual dog park entry fee has been paid to the Town. Payment of the annual dog park entry fee entitles the handler to a single, colorized dog park entry tag applicable on to the dog to which it was issued. Entry tags shall be issued on a calendar-year basis. The dog park entry tag shall be colored to denote the calendar year for which valid. There shall be a one month's grace period (January) during which time a dog may still have the dog park entry tag for the previous calendar

year. The dog park entry tag allows the authorized dog to enter any Town dog park unless a handler or owner of the dog has been issued a trespass notice relating to that behavior. Applications for an initial dog park entry tag shall be made to the recreation director, or such other person as designated by the Town Board by resolution. Initial applications shall include photographs of both side profiles of the animal's full body, and a photograph of the face of the dog facing forward. Applications shall be accompanied by proof of the vaccinations required by this Chapter. Applications shall identify the breed, or mixed breeding, of each dog. Any misrepresentation on the application for dog park entry tags shall be a violation of this Chapter, and may additionally expose the applicant to liability for filing of a false instrument under this state's Penal Law.

C. Dog park entry tag fees:

LaGrange Resident Fees:

\$25.00 for 1st dog.
\$15.00 for additional dogs.

Residents of the Town of Poughkeepsie, Town of Pleasant Valley, Town of Union Vale, Town of Beekman, Town of East Fishkill and Town of Wappinger fees:

\$50.00 for 1st dog.
\$30.00 for additional dogs.

Residents of municipalities other than those listed above shall not be entitled to entry to a dog park, based on the resource limitations of the Town with respect to such facilities.

- D. If the ownership of the dog changes, the new owner shall complete an application, provide a new dog picture, and pay the administrative fee to the Town to transfer ownership of the dog and its dog park entry tag.
- E. All fees paid to the Town of LaGrange will be deposited in the general fund of the Town of LaGrange.
- F. Fees charged in this subsection may be amended by resolution of the Town Board. The Town Board may establish higher fees for dog owners residing outside the Town.

- G. Dog park entry tags shall not be available for pit bulls as defined in this Chapter.

Section 75-12. Violation of Regulations; Penalties.

- A. Each separate violation of the provisions of this Chapter is a violation and upon conviction, shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 15 days for a first offense. Maximum fines shall be \$750 for a second offense and \$1,500 for a third or greater offense.

Section 75-13. Severability.

If any provision of this article is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

Section 2. This local law shall take effect upon filing with the Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of LaGrange that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

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

DATED: LaGrangeville, New York

July 14, 2010



MARGARET SCHMITZ
Deputy Town Clerk

Change Order No. 3

Date of Issuance: July 7, 2010 Effective Date: Date of signature by Owner

Project: Titusville WWTF Improvements	Owner: Town of LaGrange	Owner's Contract No.:
Contract: Aertion System Improvements		Date of Contract:
Contractor: Dakksco Pipeline, Inc.		Engineer's Project No.:

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

- 1) Furnish and Install Fixed Access Ladders for Aeration Diffuser Access,
- 2) Furnish and Install Emergency Suction Piping for Access to Aeration Diffusers
- 3) Furnish and Install New Control Wiring & Conduit for Aeration Blowers

Attachments (list documents supporting change): Quote from Dakksco Pipeline

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

Original Contract Times: Working days Calendar days

\$265,944.00

[Increase] [~~Decrease~~] from previously approved Change Orders No. 1 to No.2:

[Increase] [~~Decrease~~] from previously approved Change Orders No. 0 to No. 6:

\$48,061.00

Substantial completion (days or date): _____

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$314,005.00

Increase of this Change Order:

[Increase] [~~Decrease~~] of this Change Order:

\$27,920.00

Contract Price incorporating this Change Order: Contract Times with all approved Change Orders:

\$341,925.00

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: Aug W. Bol
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: [Signature]
Contractor (Authorized Signature)

Date: 7/13/10

Date: _____

Date: 7-9-10

Approved by Funding Agency (if applicable): _____

Date: _____

DAKKSCO Pipeline Corp.
2 Eastman Place
Leicester, NY 14481
dakkscopipeline@hotmail.com

(585)382-3071
(585)382-3687 FAX
(585)370-9042 cell

Clark Patterson Lee
900 Corporate Blvd.
Newburgh, NY 12550

June 26, 2010

CHANGE ORDER #3 PROPOSAL

Attn: Greg Bolner PE
cc: Wanda Lavigni - Town of LaGrange

RE: Change Order #3 Costs - Titusville WWTF - LaGrange NY

The following represents the associated additional costs related to the previously discussed alternative items:

ADD#1 - Fixed Access Ladders for Aeration Diffuser Access

This add represents the furnishing & installation of two (2) new Aluminum Ladders to be permanently mounted to the existing concrete wall to access both SBR-1 & SBR-2 Tank floors for the purpose of inspecting, cleaning, repairs and installation of new aeration bubbler diffuser membrane systems. The ladders will have a total length of 28'-0" each and installed per OSHA regulations.

TOTAL ADD #1 = \$ 6,740.00

Total Days added to Contract = 1

ADD#2 - Emergency Suction Piping for Access to Aeration Diffusers

This add includes the Furnishing & Installation of a new 6" SCH 80 PVC Suction Piping to be mounted permanently to the walls of the SBR-1 & SBR-2 Tanks. The purpose of these 6" suction lines to each SBR is during the event of an aeration emergency (aeration bubblers get plugged, break in aeration line, normal replacement of diffuser membranes), access to the bubbler diffuser system must be obtained by hooking up a 6" pump and attaching the suction line from the pump to the piping this ADD#2 would supply. The tanks could then be pumped out quickly (2 to 3 hours) and access to repairs to system can be done. The adding of these permanent 6" suction lines will give the Owner the ability to pump the tanks quickly and make the necessary repairs and put the system back on-line quickly

TOTAL ADD #2 = \$ 14,400.00

Total Days added to Contract = 3

ADD #3 - New Control Wiring & Conduit for Aeration Blowers

This add includes installing new Control Conduit & Wire to run from the existing controls in building MCC, thru building façade, and parallel with the existing walkway railing on the East Side to a point of connection at the new Blower Control Panel. The purpose of this ADD is to integrate the new Blower Controls with the existing Controls to run new Blowers.

TOTAL ADD #3 = \$ 6,780.00

Total Days added to Contract = 2

TOTAL OF ALL ADDS #1 thru #3 = \$ 27,920.00