

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

**TOWN BOARD MEETING
January 13, 2011**

- Present:** Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Edward Jessup
- Absent:** Councilman Gary Beck
- Recording Secretary:** Christine O'Reilly-Rao, Town Clerk
- Others Present:** Gerard J. Comatos, Jr. Esq., Van De Water & Van De Water

The regular meeting of the Town Board was held on Thursday, January 13, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:47 p.m. immediately following the annual reorganization meeting. The meeting had been rescheduled from Wednesday, January 12, 2011 due to a snow storm.

Supervisor Wagner asked for a motion to approve the minutes for the regular meeting on December 22, 2010.
Councilman Jessup so moved, seconded by Councilman Luna and carried by all.

Supervisor Wagner asked for a motion to accept the monthly reports for December 2010.
Councilman Jessup so moved seconded by Councilman Luna and carried by all.

Building, Planning, Zoning & Public Works	\$14,820.00
Parks and Recreation	\$225.00
Highway Superintendent	\$300.00
Justice Caplicki (Inc. State Share)	\$23,060.00
Justice Greller (Inc. State Share)	\$30,736.00
Town Clerk (inc. State & County Share)	\$1,743.40

Supervisor's Report

Supervisor Wagner stated that he had received the Tax Collector's annual report for 2010.
(SEE ADDENDUM)

The tax breakdown for 2010 was approximately 9% for the Town, 9% for the Fire District, 12 % for the County and 70% for School taxes.

Councilman Luna moved to accept the report, seconded by Councilman Jessup and carried by all.

Mr. Wagner noted that there were ongoing issues with the Town's insurance carrier, MVP. The Town had opted to go with a high deductible plan versus a traditional plan with co-pays in order to save approximately \$150,000. Since then, MVP is not going to allow the Town to pay the entire deductible. The Town will only be permitted to contribute to the deductible for half the original amount.

The Union has subsequently filed a grievance over this matter which Mr. Wagner has denied.

The next step will likely be an appeal by the Union to the Town Board.

In addition, there has been some mix up with the way MVP has structured the calendar year for plan participants which has caused additional confusion regarding the coverage offered.

Mr. Wagner further stated that MVP has not returned calls placed to rectify the matter.

Correspondence

Supervisor Wagner stated that certain information regarding Cablevision will be on file in the Clerk's office for one week.

A resignation letter was received from Town Justice Steven Greller, effective December 29, 2010.

Councilman Jessup moved to accept the resignation, seconded by Councilman Luna and carried unanimously.

The Highway Superintendent, Mike Kelly notified the Board that effective January 12, 2011, John Rose would be promoted to full time mechanic.

Supervisor Wagner stated that the position was being filled due to the retirement of Richard Gotto who served the Town for 30 plus years.

He added that there are still 3 open positions in the Highway Department, but that no interviews will be conducted right now. The Union is upset with the changes to medical coverage and the Town is at an impasse with the Union. That matter notwithstanding, he stated for the record that they crew in Highway and Superintendent Kelly have done a phenomenal job in keeping the Town roads cleared of snow.

Councilman Luna moved to approve the promotion, seconded by Councilman Jessup and carried by all.

Supervisor Wagner asked for a motion to approve a budget transfer of \$15,061.00 from the Town Clerk's personnel services (1410.1) to the Comptroller's personnel services (1315.1). This amount had been budgeted due to the bookkeeper, Nancy Baughman, assisting in the Clerk's office.

Councilman Jessup so moved, seconded by Councilman Luna and carried by all.

Mid-Hudson Road Runners Club requested Board approval for the use of Town roads on February 6, 2011 for a five mile race.

Councilman Luna so moved, seconded by Councilman Jessup and carried by all.

Supervisor Wagner asked for Board approval setting the capitalization threshold for fixed assets at \$5,000.00.

Councilman Luna moved to do so, seconded by Councilman Jessup and carried by all.

Mr. Wagner asked the Board to approve the Formal Record of Action for the amendment of the Town's Cafeteria Plan. (SEE ADDENDUM)
Councilman Luna so moved, seconded by Councilman Jessup and carried unanimously.

Supervisor Wagner asked the Board to approve the Formal Record of Action for the amendment of the Town's Health Reimbursement Plan. (SEE ADDENDUM)
Councilman Luna so moved, seconded by Councilman Jessup and carried unanimously.

The Building Inspector requested approval for Stephen Piehler, Code Enforcement Officer, to attend the Code Enforcement Officials Conference in Poughkeepsie on April 20-22, 2011.

Councilman Jessup moved to approve the request, seconded by Councilman Luna and carried by all.

Supervisor Wagner stated that the Building Inspector would like the Board to review information pertaining to a proposed amendment of Section 24-52: Accessory Apartments.

Mr. Wagner added that during the workshop session, there had been a discussion regarding accessory apartments which tried to address how the amendment might impact three different residents. One resident has an unauthorized apartment which will need structural changes to be in compliance. A second couple has an apartment which once was legal, but had changed ownership and now needed a special permit. This couple had been notified by the Building Department twice as to the need for the permit. A third couple had purchased a house and wished to add an apartment for revenue.

There will be further consideration of the proposed amendment.

RESOLUTIONS

Supervisor Wagner asked the Board to set a Public Hearing for the ARC request to formalize existence of a group home which has been located on Romca Road for the past 16 years. (SEE ADDENDUM)

Councilman Jessup moved to set the Public Hearing for January 26, 2011, seconded by Councilman Luna and carried by all.

Mr. Wagner asked the Board to waive the 30 day waiting period for a liquor license renewal for Creative Caterers of the Hudson Valley, Inc. d/b/a Synergy Café, 258 Titusville Road, Poughkeepsie, N.Y. 12603 (SEE ADDENDUM for vote)

Mr. Wagner asked for Board approval of a Tax Certiorari for John Gagliardi. (SEE ADDENDUM)

COMMITTEE REPORTS

Water and Sewer

No report

Recreation

No report

Open Space

The Town closed on the Pierson Farm property on December 27, 2010.

The Sleight property which is 111 acres and is located on Noxon Road is ready to be closed on as soon as the Town Attorney reviews the paperwork.

Mr. Comatos stated that he will review the paperwork and have a resolution authorizing the closing date ready for the next regular Board meeting.

Mr. Wagner added that he is working with the Town's IT person to memorialize these property acquisitions for the Town website.

Highway

The new trucks are now in use. The Highway Department crew handled the December 26th snowstorm very well, with no catastrophes reported.

Supervisor Wagner wanted the record to show that the Board was unanimous in their appreciation for the work the Highway crew members perform, especially in the recent storms. He thanked them for keeping the Town roads clear and safe.

Town Board Comments

No comments

Town Attorney

No comment

Administrator of Public Works

Not present

Environmental Consultants

No report

Public Comment

Councilman Luna moved to open the meeting to Public Comment. Councilman Jessup seconded the motion and it carried unanimously.

There was no comment.

Councilman Jessup moved to close the Public Comment, seconded by Councilman O'Hare and carried by all.

Councilman Luna moved to adjourn the meeting, seconded by Councilman Jessup and carried by all.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
LaGrange Town Clerk

ADDENDUM

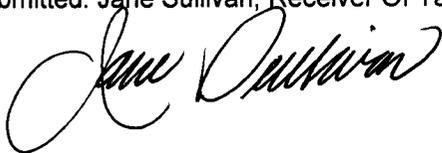
- Tax Collector's 2010 Annual Report
- Formal Record of Action: Amendment of Town's Cafeteria Plan
- Formal Record of Action: Amendment of Town's Health Reimbursement Plan
- Order for a Hearing: Establishment of a Supportive Individualized Residential Alternative
- Tax Certiorari: John Gagliardi
- Resolution: Liquor License: Creative Caterers, Inc. d/b/a Synergy Cafe

TOWN OF LaGRANGE
 RECEIVER OF TAXES - ANNUAL REPORT
 JANUARY 1, 2010 - DECEMBER 31, 2010

	PENALTIES	COLLECTIONS
COUNTY & TOWN TAXES	37,612.63	17,952,876.22
Bounced Check Fees	140.00	
\$2.00 Service Charge for 2nd Notices	598.00	
Interest on Account	2,690.65	
Memo Fees Collected	45.00	
ARLINGTON SCHOOL TAXES	21,134.16	30,918,679.07
Bounced Check Fees	80.00	
WAPPINGERS SCHOOL TAXES	860.48	1,163,413.97
MILLBROOK SCHOOL TAXES	201.92	541,461.35
Interest on Account	2,869.53	
Memo Fees	180.00	
Sub totals	\$66,412.37	\$50,576,430.61
TOTAL RECEIPTS.....		\$50,642,842.98
Supervisor - Town Budget		11,152,847.09
Commissioner of Finance		6,800,029.13
General Fund - Total Penalties		66,412.37
Arlington School District		30,918,679.07
Wappingers School District		1,163,413.97
Millbrook School District		541,461.35
TOTAL DISBURSMENTS.....		\$50,642,842.98

Submitted: Jane Sullivan, Receiver Of Taxes

Date: Dec. 21, 2010



FORMAL RECORD OF ACTION

The following is a formal record of action taken by the governing body of Town of Lagrange (the "Company").

With respect to the amendment of the Company's Cafeteria Plan (the "Plan"), the following resolutions are hereby adopted:

RESOLVED: That the Plan be amended in the form attached hereto, which amendment is hereby adopted and approved;

RESOLVED FURTHER: That the appropriate officers of the Company be, and they hereby are, authorized and directed to execute said amendment on behalf of the Company;

RESOLVED FURTHER: That the officers of the Company be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

Dated this 13th day of January, 2011.

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Beck	ABSENT


Christine O'Reilly-Rao
LaGrange Town Clerk

CAFETERIA PLAN

SUMMARY OF MATERIAL MODIFICATIONS

The purpose of this Summary of Material Modifications is to inform you of a change that has been made to the Cafeteria Plan. This change has affected the information previously provided to you in the Plan's Summary Plan Description. The Summary Plan Description is modified as described below.

The entire annual amount you elect to contribute for the Plan Year for the Health Care Reimbursement Account less any reimbursements already disbursed will be available for reimbursement. The maximum amount you may contribute each year is \$5,000.

CAFETERIA PLAN

AMENDMENT

WHEREAS, the Company maintains the Cafeteria Plan (the "Plan") for the benefit of certain of its employees; and

WHEREAS, Pursuant to Section 8.01 of the Plan, the Company desires to amend the Plan;

NOW, THEREFORE, the Plan is hereby amended as follows, effective as provided therein:

1. Section C.2 is deleted in its entirety and the following substituted effective 1/1/11 as provided therein:
2. If **A.11** is "Yes" (Contributions to fund a Health Care Reimbursement arrangement are permitted), enter the maximum amount that can be contributed to a Health Care Reimbursement arrangement in any Plan Year: **\$5,000**.

IN WITNESS WHEREOF, the Company has caused this Amendment to be executed this 13th day of January, 2011.

Signature: Christine O'Reilly-Rao
Print Name: CHRISTINE O'REILLY-RAO
Title/Position: TOWN CLERK

V2.02-3.00

FORMAL RECORD OF ACTION

The following is a formal record of action taken by the governing body of the Town of LaGrange "Company").

With respect to the amendment of the Company's Health Reimbursement Arrangement (the "Plan"), the following resolutions are hereby adopted:

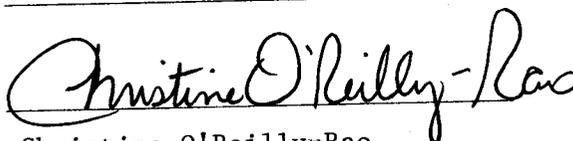
RESOLVED: That the Plan be amended in the form attached hereto, which amendment is hereby adopted and approved;

RESOLVED FURTHER: That the appropriate officers of the Company be, and they hereby are, authorized and directed to execute said amendment on behalf of the Company;

RESOLVED FURTHER: That the officers of the Company be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

Dated this 13th day of January, 2011.

Supervisor Wagner	AYE
Councilman Luna	Aye
Councilman Jessup	Aye
Councilman Beck	ABSENT



Christine O'Reilly-Rao
LaGrange Town Clerk

HEALTH REIMBURSEMENT ARRANGEMENT
SUMMARY OF MATERIAL MODIFICATIONS

The purpose of this Summary of Material Modifications is to inform you of a change that has been made to the Health Reimbursement Arrangement. This change has affected the information previously provided to you in the Plan's Summary Plan Description. The Summary Plan Description is modified as described below.

Limits on Reimbursement

The annual limits on reimbursement are as follows:

One Covered Person (Participant only): \$750

Two Covered Persons (Participant plus one other Covered Person): \$1,500

More than two Covered Persons (Family coverage): \$1,500

**HEALTH REIMBURSEMENT ARRANGEMENT
AMENDMENT**

WHEREAS, the Company maintains the Health Reimbursement Arrangement (the "Plan") for the benefit of certain of its employees; and

WHEREAS, Pursuant to Section 8.01 of the Plan, the Company desires to amend the Plan;

NOW, THEREFORE, the Plan is hereby amended as follows, effective as provided therein:

1. Section C.3b is deleted in its entirety and the following substituted effective 1/1/11 as provided therein:

3b. Enter the maximum annual amount that will be credited to a Participant's Health Reimbursement arrangement in any Plan Year for the applicable coverage category (Section 4.01):

- i.** One Covered Person (Participant only): **\$750**
- ii.** Two Covered Persons (Participant plus one other Covered Person): **\$1,500**
- iii.** More than two Covered Persons (Family coverage): **\$1,500**

IN WITNESS WHEREOF, the Company has caused this Amendment to be executed this 13th day of January, 2011.

Signature: Christine O'Reilly RAO

Print Name: CHRISTINE O'REILLY-RAO

Title/Position: TOWN CLERK

**ORDER BY TOWN BOARD FOR HEARING
ON ESTABLISHMENT OF A
SUPPORTIVE INDIVIDUALIZED RESIDENTIAL ALTERNATIVE**

WHEREAS, on January 4, 2011, a written intention by ARC to establish a community residence, or Supportive Individualized Residential Alternative, was filed with the Town Board of the Town of LaGrange, Dutchess County, New York, under MHL 41.34; and

WHEREAS, the proposed Supportive Individualized Residential Alternative would be established at 1 Romca Road, Poughkeepsie, New York, 12603.

NOW, THEREFORE, it is hereby

ORDERED, that the Town Board will hold a public information hearing to consider all relevant matters pertaining to the proposed Supportive Individualized Residential Alternative of ARC at 1 Romca Road, and said hearing will be conducted on January 26, 2011, at 7:30 p.m., at the Town Hall, Town of LaGrange, County of Dutchess, New York. All persons interested in this matter shall be heard, and it is further

ORDERED, that the Town Clerk of the Town of LaGrange is hereby authorized and directed to publish a copy of this order in the official paper.

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	ABSENT
Councilman Jessup	AYE

DATED: LaGrangeville, New York
January 13, 2011


CHRISTINE O'REILLY RAO, TOWN CLERK

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Consent Judgment settling the tax certiorari proceedings brought by John Gagliardi against the Town of LaGrange from 2004 through 2010. In summary form, the tentative settlement and the reductions in assessed value is as follows:

Assessment Roll	Assessed Valuation	Reduced Assessment	Final Assessment
2004	\$407,500	\$0.00	\$407,500
2005	\$407,500	\$0.00	\$407,500
2006	\$407,500	\$50,000	\$357,500
2007	\$1,000,500	\$350,000	\$650,500
2008	\$910,500	\$325,500	\$585,000
2009	\$838,000	\$300,000	\$538,000
2010	\$754,500	\$254,500	\$500,000

and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

Dated: December 13, 2011
LaGrangeville, New York

MOVED BY: Councilman Luna

SECONDED BY: Councilman Jessup

AYES: 3

NAYES: 0

RESOLUTION: To Waive 30 Day Notice for Liquor License

Applicant: Creative Caterers of the Hudson Valley, Inc.
d/b/a Synergy Cafe
258 Titusville Road
Poughkeepsie, NY 12603

Date: January 13, 2011

Supervisor Wagner introduced the following resolution. Councilman Luna moved its' adoption seconded by Councilman Jessup:

WHEREAS, Creative Caterers of the Hudson Valley, Inc., d/b/a Synergy Café which is located at 258 Titusville Road, Poughkeepsie, NY 12603, which is located in the Town of LaGrange intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an Applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive the thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of LaGrange hereby waives the thirty (30) day notice period in regard to Creative Caterers of the Hudson Valley, Inc., allowing an earlier submission of the liquor license application.

The Following Vote Was Taken:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Jessup	AYE

Dated: January 13, 2011


Christine O'Reilly-Rao,
Town Clerk