

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

**TOWN BOARD MEETING
May 25, 2011**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus
Councilman Gary Beck

Recording Secretary: Christine O'Reilly-Rao, Town Clerk

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

The regular meeting of the Town Board was held on Wednesday, May 25, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes for May 11, 2011. Councilman Jessup moved to do so, seconded by Councilman Beck. The motion carried unanimously.

Correspondence

Information and updates regarding Time Warner will be available in the Clerk's office for one week.

Supervisor's Report

Supervisor Wagner stated that the State Assembly had agreed upon a version of the Tax Cap Bill, although it has not been finalized as yet. Some key points he mentioned were: the exclusion of retirement costs which exceed 2%, a credit provision which allows banking of the cap and a court ordered provision to use the amount in a subsequent year if under cap during one year.

Mr. Wagner had met with two representatives of the League of Women Voters who are interested in working towards shared and consolidated services between municipalities.

The Consolidated Senior Transportation Program will be managed by the Friends of Seniors group. All of the agreements have been signed between the Towns of Pleasant Valley, and Lagrange and the Friends of Seniors. The program will begin June 1st. The scheduling must be done seven days in advance. Existing riders are being notified of the program. Medical appointments will be handled separately to ensure less wait time for the riders.

Mr. Wagner has written to Assemblymen Miller, Saland and Molinaro for assistance in finding grants to purchase vehicles. In addition, East Fishkill may be interested in joining the program.

A Memorial Day Service will be held at Town Hall on Monday at 10:45 a.m. and Mr. Wagner urged people to attend and honor our veterans. The Arlington American Legion will be attending.

Mr. Wagner asked for a motion to waive the 30 day waiting period for a liquor license renewal for Fat Franco's located on Titusville Road in LaGrange, provided that they send the required application and have no outstanding violations.

Councilman Jessup moved to do so, seconded by Councilman Beck. The motion carried unanimously.

Supervisor Wagner stated that he and Councilman Polhemus had prepared a Capital Plan which will address past, present and future purchases of equipment and vehicles. The plan will serve as a guide to future budget preparation. As a result of the many cost cutting measures and conservative spending practices the Board has made, spending from 2004 to 2010 has decreased and the Town now has a bond rating of AA1.

Councilman Polhemus presented the Capital Plan with visual aids. The plan encompasses a five year period. He noted that the proposed tax cap legislation will make the budget process more challenging. He stated that he hoped to expand this plan to include other projects such Parks and Recreation and issues pertaining to the Town Hall building. He pointed out that most Highway vehicles are meant to be used for a 15 year period, but that the snow plow truck is actually 22 years old. Other trucks are rusted out and the maintenance of older vehicles is expensive. (The complete report is in the Addendum.)

Mr. Wagner stated that the Comptroller is currently working with bond consultants to consolidate our outstanding bonds which will save the Town money. He thanked Ms. Toussaint for her efforts. He added that State bids for vehicles ensure lower costs. This works well for vehicles and equipment, but not always with construction.

Irv Miller requested Board approval to waive the permit fee for a temporary sign for Math and Physics Exploratorium. The organization is a non-profit.

The Building Inspector has no objections to the signs.

Councilman Luna moved to waive the fees, seconded by Councilman Polhemus. The motion carried unanimously.

Frank Evert, President of Water without Borders Corp. requested Board approval to hold its 3rd Annual "Walk of Water" at 10:00 a.m. on Saturday, October 2, 2011. The walk will be held at Stringham Park. Water Without Borders was created to bring attention to the relationship between a lack of safe drinking water and disease, civil unrest, hunger and birth defects. The organization is an international nonprofit group which works to provide sustainable sources of safe water worldwide.

Mr. Wagner added that Mr. Evert is a Town resident and the business is also located in the Town.

Councilman Beck moved allow the use of the park, seconded by Councilman Luna. The motion carried unanimously.

Jennifer Turoff requested Board permission to close off Memory Trail and Heritage Lane to host a Girl Scout Event "mini-triathlon" from 3:30 p.m. to 6:00 p.m. on June 18, 2011.

Councilman Jessup moved allow the road closure, seconded by Councilman Beck. The motion carried unanimously.

Supervisor Wagner introduced a resolution to set a Public Hearing for Local Law 3 - 2011 "Abandoned Property". (SEE ADDENDUM)

Councilman Jessup moved to set the Public Hearing for June 8, 2011, seconded by Councilman Polhemus. The motion carried unanimously.

Deputy Clerk Schmitz requests the Board's approval to amend the Clerk's monthly reports as follows:

February 11, 2009	\$1,614.49
August 12, 2009	\$2,691.55
October 14, 2009	\$14,040.17
November 12, 2009	\$3,632.34
December 9, 2009	\$3,311.02
January 13, 2010	\$2,040.11
February 17, 2010	\$1,307.25
March 10, 2010	\$2,882.15
April 14, 2010	\$3,965.29
May 12, 2010	\$3,485.72
June 9, 2010	\$2,621.20
July 14, 2010	\$2,583.95
August 11, 2010	\$2,761.08
September 8, 2010	\$5,538.20

The state and county shares were not reflected in the original reports. There was a question regarding the amount listed for October 14, 2009. The Clerk will double check the figure and place it on the next agenda for amendment.

Councilman Luna moved to amend the reports except for October 14, 2009, seconded by Councilman Jessup. The motion carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

Community Day is scheduled for June 11th from 11:45 a.m. until the fireworks display. Challenger Festival will be held on May 28th. Freedom Lake will open on Saturday.

Open Space

No report

Highway

No report

Town Attorney

No comment

Town Board Comments

Mr. Wagner asked for a motion to suspend the regular order to hear from a resident who wishes to sell ice cream in the Town from a vehicle.

Councilman Luna moved to do so, seconded by Councilman Jessup. The motion carried unanimously.

Michael Fertucci of Pray Lane addressed the Board. He explained his business and gave out brochures and a picture of his truck. He will be serving homemade ice cream, custard and Italian ices. He will operate 7 days a week from 11 a.m. to 7:30 p.m. seasonally. He owns a commercial kitchen in Wappingers.

Councilman Beck moved to set the licensing fee at \$50.00, seconded by Councilman Polhemus and carried by all.

Councilman Beck moved to grant Mr. Fertucci a Peddling & Soliciting License, seconded by Councilman Jessup and carried by all.

The Board wished Mr. Fertucci good luck.

Administrator of Public Works

Ms. Livigni stated that the 2010 Stormwater Management Program Annual Report had been filed with the State. A copy is on file in the Town Clerk's office and on the Town website under the Public Works Department.

She asked the Board to release the retainage from the demolition project of the Titusville Wastewater Treatment Plant in the amount of \$ 1,880.00.

Councilman Beck moved to do so, seconded by Councilman Luna. The motion carried unanimously.

Environmental Consultants

Ms. Campaglione stated that the Manchester Water plant was hit by lightning which damaged the controls.

Ms. Livigni added that this was the fourth hit and there needs to be a permanent fix for the problem.

Public Comment

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

Paul Lenci from the Lagrange Library addressed the Board. He stated that the Special Library District proposed legislation had been given to the Board.

Mr. Wagner asked about bonding procedures in the proposal. Mr. Lenci made a note of that issue and stated that he would get back to the Board about it.

Mr. Miller and Mr. Saland have received the proposal and are reviewing it. It will eventually go to Governor Cuomo.

To satisfy the conditions of the Dutchess County Board of Elections and get the proposition, trustees and budget on the ballot for November the proposed legislation will have to be finalized very soon. He is hopeful that this will be done in time for this year's elections.

Donna Bolner, County Legislator of District 13, addressed the Board. She stated that they were able to get a grant to study the swamp which is a solid waste management plan for the County.

There are options other than the plan put together by the RRA.

She is Chair of the Tick Task force and stressed the importance of being careful about tick borne diseases. She will be presenting a Tick Smart Program for Church and community groups.

There is a CDC study in the County to try and study eradication methods for ticks. The study will include 15,000 households.

Ms. Bolner is on the Human and Health Services Committee and has been interviewing for the Citizens Advisory Councils. There is an increase in people's desire to get involved at the County level which Ms. Bolner feels bodes well for future change.

Mr. Wagner added that an employee in the Parks department had fallen ill and was in need of financial assistance. She had been out of work for six months. She is now back to work and seems to be recovering. A fundraiser was held to help her out and several thousand dollars were raised to help her. He stated that he was proud to be a part of a Town which showed such caring. Mr. Jessup thanked Mr. Wagner for spearheading the fundraiser.

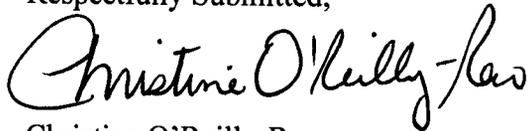
Mr. Polhemus added that a resident who had been severely injured and is now paralyzed had had to have modifications done to his home. The renovations resulted in 2,000 pounds of construction debris. The gentleman's wife had reached out to Mr. Polhemus and he contacted Mr. Nunziato at Royal Carting for help. Mr. Nunziato was eager to take the debris at no charge.

Councilman Jessup moved to close the Public Comment, seconded by Councilman Polhemus and carried by all.

Councilman Jessup moved to adjourn, seconded by Councilman Beck. The motion was carried by all.

The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christine O'Reilly-Rao".

Christine O'Reilly-Rao
LaGrange Town Clerk

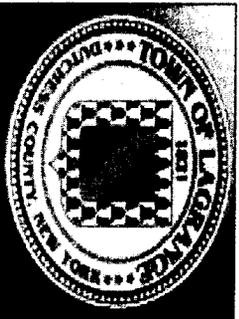
ADDENDUM

- Capital Plan
- Resolution: Local Law 3-2011 “ Abandoned Property”

Town of LaGrange Capital Equipment Plan

May 25, 2011

- **Vehicles & Equipment 5 Year Capital Plan**
 - Highway
 - Parks & Recreation
 - Town Hall
- **Average \$ Per Year Over 5 Years = \$476K Per Year**
 - Current bonding is 1.75% to 2.75% depending on amount and term
- **10 Year Plan = \$456K* Per Year**
 - * Subject to change due to long time frame
- **Retired Vehicles Have Considerable Age, Wear and Safety Issues**
 - Planned 15 Year useful life. Current replacements are 22 Years Old
- **All Equipment Has Been Maintained and Used to Maximum Life Spans**
 - Dump Trucks – Rusted frames, floors & bodies, mechanical issues
Difficult passing inspection
 - Cars & Pickups – Rusted frames & numerous other problems & safety issues



TOWN OF LAGRANGE

Dutchess County, New York

2011 Capital Requests

- 2011 **\$513,721**
 - 2 Mack Dump Trucks #17 & #19 with Bodies, Plows, Sanders, Hydraulics, Radios
 - Replacing 22 Year Old 1989 Mack Dumps with Rusted Frames & Numerous Problems (Difficult Passing Inspection) \$372,722
 - Stertic - Kowi Portable Truck Lift System (Insurance Co Requirement)
 - Currently Using Jacks & Jack Stands \$59,103
 - Coats X-Series Truck Tire Changer (Insurance Co. Requirement)
 - Very Old Changer with Lack of Safety Shields & Protection \$6,915
 - 2 Stainless Bodies with Sanders for Existing Trucks (#8 & #23) with Badly Rusted Bodies \$64,918
 - 3 Wheel Scag Mower \$10,000 (Current Mower Worn Out)



TOWN OF LAGRANGE

Dutchess County, New York

Capital Equipment Debt as of May 24, 2011

Purpose	Original Issue Date	Bond Type	Term	Current Interest Rate	Original Amt. of Issue	Amt. Outstanding 5/24/2011	Annual Principal Pmt.	Final Pmt. Year
Hwy. Equipment-Vacuum Sweeper	6/12/2001	S.I.B.	10 yrs.	5.14%	\$149,800	\$14,980	\$14,980	2011
2001 Highway Equipment Converted to S.I.B 2006	10/4/2001	S.I.B.	5 yrs.	4.30%	\$100,065	\$10,000	\$10,000	2011
Highway/Parks Equipment	6/19/2007	B.A.N.	5 yrs.	2.25%	\$98,065	\$39,226	\$19,613	2012
2008 Highway/Parks Equipment	6/5/2008	B.A.N.	5 yrs.	2.03%	\$347,899	\$208,739	\$69,579	2013
2010 Equipment Purchase	4/12/2010	B.A.N.	5 yrs.	1.81%	\$462,281	\$369,825	\$92,456	2015
					\$1,158,112	\$642,771		
2006 Highway Equipment	2/10/2006	B.A.N.	5 yrs.	2.10%	\$308,986	12/31/2010 \$61,798	Paid Off	1Q-2011

B.A.N. - Bond Anticipation Note: Short-term borrowing; Is renewed annually for no more than 5 years

S.I.B. - Statutory Installment Bond:
Long-term borrowing; Rates are usually higher than B.A.N's

Future Opportunities / Plans

- Expand this beyond equipment to include projects such as Town Hall Failing Roof Replacement
 - Continue to match vehicles required to # of employees
 - Plow routes for example
 - Plan for 1 spare plow truck
- Explore opportunities for additional shared services/equipment with County, neighboring towns, & within town departments
 - Ex. Vac. All Sweeper slated for 2013 at \$260,000
 - Due to MS4 regulations the current 2001 sweeper is getting constant use (Little sharing opportunity from other towns for same reasons)
 - Additional Vac. Needed due to increasing # of catch basins & cleanup required after site work
- Vendor out services instead of purchasing new equipment for occasional needs
 - Road Grader replacement cost \$250,000
 - Current 1974 grader is OK for occasional use. Larger jobs can be contracted.



TOWN OF LAGRANGE

Dutchess County, New York

Equipment Replacements 2015

Dept.	TRUCK #	YEAR	MAKE	MODEL	VIN #	COND.	EST. COST NEW	EST. REPLACE DATE	EST. REPLACEMENT COST
Highway	22	1998	INTER	DUMP	1HTSLABK2WH514353	POOR	\$45,100	2015	\$70,000
Highway	23	2000	INTER	PLOW/SANDER	1HTGEAXR8YH271429	OK	\$46,382	2015	\$185,000
Highway	26	2000	INTER	PLOW/SANDER	1HTGEAXR4YH271430	OK	\$84,682	2015	\$185,000
Highway	59	2005	NEW HOLLAND	LB75BTLB / BHOE	301053957	OK	\$49,510	2015	\$85,000
Highway	86	2000	VIBROMAX	255 / ROLLER	JKC5303402	OK	\$23,490	2015	\$45,000
Parks	75	2007	FORD	F150 PICKUP	1FTRF14WX7KDD29359	Good	\$15,982	2015	\$35,000
Parks	67		Saber Tooth Scag Mower (zero rad)	STT-31BSG	8580018	Good		2015	\$12,500
Parks			Stringham Park Gator			Good		2015	\$0 ***
									\$617,500

* Estimated replacement cost at 3% per year increase

** Need a larger more powerful machine

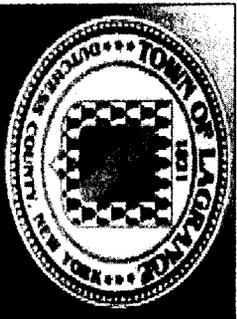
*** Paid for by Lagrange soccer Club

Retired Equipment

<u>Vehicle</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Replace. Date</u>	<u>Condition</u>	<u>Mileage</u>
	1988	Mack	Dump	2010	Cracked Frame, Rust, Failing Inspection	
	1988	Mack	Dump	2010	Cracked Frame, Rust, Electrical & Hydraulic problems, Engine smoking (Oil diagnosis shows excessive bearing wear)	
	1998	TAURUS	FORD LX	2010	Rust, Brakes & Rotors	140,000+
	1999	TAURUS	FORD SEDAN	2010	Rusted Frame	140,000+
	1997	FORD	Expedition	2010	Repairs needed in excess of \$1000	112,700
	1996	BLAZER	CHEVY	2010	Multiple continuing problems	
72	2004	FORD	PICKUP		Totaled on 6/5/2009	
71	2000	CHEVY	PICKUP 2500 SERIES		off the road	
70	1999	CHEVY	ONE TON DUMP TRUCK	2010	Rust & Transmission needs repair	
79	1995	GMC	PICKUP	2010	Failed inspection due to rust	
	1995	Zero Turn	72" Mower	2010	Worn Out	3428 Hours

Non Equipment Not Included in Plan

- Town Hall Failing Roof Replacement
- Required Replacement of Radios \$80K
 - 2013 FCC Requirement
- Salt Shed Replacement 2013 120'L x 80'W x 40'H \$300K
 - NYSDEC Requirement
- Truck Wash Bay \$????? Possibly Convert Old Salt Shed?
- Freedom Park Entrance Road Replacement \$95K
 - Estimated 75,000 Sq. Ft 950 Tons \$100/ton in place
- Dutchess County Joint Landfill Maintenance Costs (Pok, Wapp, Lagrange)
 - 2011 = \$47,700 (Lagrange Share)
 - Runs for 27 Years with costs increasing to an estimated \$79,900 per year
- Long Term Paving Program \$250K / Year
 - \$180K in CHIPS \$ this year



TOWN OF LAGRANGE

Dutchess County, New York

Department	TRUCK #	YEAR	MAKE	MODEL	VIN #	CONDITION	ESTIMATED COST	ESTIMATED REPLACE DATE	ESTIMATED REPLACE COST	Mileage
Highway	17	1989	MACK	DUMP	1M2P129C3JW012190	POOR	\$38,000	2011	\$189,361	
Highway	19	1989	MACK	DUMP	1M2P129C7JW012189	POOR	\$38,000	2011	\$189,361	
Highway			2 Truck Bodies	Stainless w/Sanders	Trucks #8 & #23			2011	\$64,981	
Highway			Kowal Truck Lift	Portable System				2011	\$59,103	Ins. Requirement
Highway			Coats X-Series	Tire Machine				2011	\$6,915	Ins. Requirement
Parts	64		3-Whetzel Scag Mower		Worn Out	POOR		2011 **	\$10,000	2,489
Highway	12	2004	CHEVY	SILVERADO / PUP	1GCHK24LJ6E374656	OK	\$20,000	2012	\$513,721	
Highway	14	2004	CHEVY	SILVERADO / PUP	1GCHK24LJ6E374654	OK	\$20,000	2012	\$40,000	
Highway	18	1989	MACK	DUMP	1M2P194CXKW004234	POOR	\$39,000	2012	\$185,000	
Highway	20	1989	MACK	DUMP	1M2P194C1KW004235	POOR	\$39,000	2012	\$185,000	
Highway	100	1987	FORD	EXPEDITION	1FMFU19L8VLE55619	POOR	\$0	2012	\$50,000	
Parts	62		John Deere utility tractor	4800	W00460X013284	Very Good		2012 **	\$40,000	12 yrs old
Town Hall	STEVE	2005	FORD	ESCAPE	1FMYU03145KC20872	NEW	\$19,920	2013	\$540,000	
Highway	5	1988	CHEVY	2500	1GCGK24F5WE233758	POOR	\$21,418	2013	\$21,100 *	68020
Highway	27	2000	CHEVY	DUMP	1GBKC34J7YF498991	POOR	\$28,607	2013	\$38,000	
Highway	28	2000	CHEVY	DUMP	1GBKC34J3YF498997	POOR	\$28,607	2013	\$80,000	
Highway	30	2001	FREIG / JOHN	FC70VACALL	1FVAB36V51H473639	OK	\$164,800	2013	\$60,000	
Highway	NK	2000	CR / CO	TRAILER	431F5162771001182	POOR	\$3,125	2013	\$280,000	
Parts	73	2005	FORD	RANGER 4X4 PICKUP	1FTZR15E559A78361	Good	\$16,152	2013	\$10,000	
Parts	Mule	2005	KAWASAKI	GREEN MULE	JK1AFEA185B501761	Good	\$5,919	2013	\$25,000	45,090
Parts			John Deere Wide Area Mower (old)	WAM	TC1900X020598	Fail		2013	\$7,000	
Highway	80	2004	CATER	838GII / LOADER	CAT0938GPR1B00377	OK	\$97,836	2014	\$505,000	4,421
Highway	NK	1987	CANTE	TRAILER	1G9BT1420H1193140	POOR	\$3,000	2014	\$190,000	
Parts	87		Ford 2000 Tractor			Good		2014	\$10,000	
Highway	22	1988	INTER	DUMP	1HTSLABK2WH514353	POOR	\$45,100	2015	\$35,000	2,943
Highway	23	2000	INTER	PLOW/SANDER	1HTGEXAR8YH271429	OK	\$46,382	2015	\$70,000	
Highway	26	2000	INTER	PLOW/SANDER	1HTGEXAR4YH271430	OK	\$84,682	2015	\$185,000	
Highway	59	2005	NEW HOLLAND	LB75BTLB / BHOE	301063967	OK	\$49,510	2015	\$85,000	
Highway	86	2000	VIBROMAX	255 / ROLLER	JKG5303402	OK	\$23,490	2015	\$45,000	
Parts	75	2007	FORD	F150 PICKUP	1FTRF14WYTKD28359	Good	\$15,982	2015	\$35,000	34,852
Parts	67		Saber Tooth Scag Mower (zero rad)	S1T-31BSG	8590018	Good		2015	\$12,500	1,443
Parts			Stringham Park Gator			Good		2015	\$0 ***	10 yrs old
Town Hall	WANDA	2008	FORD	ESCAPE	1FMCU03198KD78111	NEW	\$16,674	2016	\$17,500	
Town Hall	TM	2008	FORD	ESCAPE	1FMCU03198KD78112	NEW	\$16,674	2016	\$19,300 *	7877.1
Highway	29	2001	MACK	DUMP	1M2P263C21M032282	OK	\$99,335	2016	\$185,000	22982.8
Highway	11	2004	FORD	F-450 / DUMP	1FDXK47S4ED12611	OK	\$29,327	2016	\$80,000	
Highway	33	2008	FORD	CREW CAB	1FTWW31R48EC31411	GOOD	\$39,100	2016	\$50,000	
Highway	34	2008	FORD	CREW CAB	1FTWW31R88EC31412	GOOD	\$38,589	2016	\$50,000	
Highway	35	2008	FORD	CREW CAB	1FTWW31R28EC31410	GOOD	\$38,589	2016	\$50,000	
Highway	84	2002	JD / BRUSH BANDIT	200 / CHIPPER / LARGE	4FMJUS151021R017896	OK	\$22,885	2016	\$48,000	
Parts	Trailer	2001	BIG TEX	20 FT PIPE	4K8PY202611E76222	Good	\$2,450	2016	\$3,000	

RESOLUTION

Supervisor Wagner, seconded by Councilman Jessup, introduced the following proposed local law, to be known as Local Law No. 3 of 2011, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE TOWN CODE TO ADD A NEW CHAPTER 66 ENTITLED "ABANDONED PROPERTY".

BE IT ENACTED by the Town Board of the Town of LaGrange that the Town Code is amended to read as follows:

Section 1. The LaGrange Town Code is amended to add the following new Chapter 66 entitled "Abandoned Property", and reading as follows:

ARTICLE I: GENERAL PROVISIONS

Section 66-1. Authority; Findings; Purpose and intent.

A. This Chapter is enacted pursuant to § 10 of the Municipal Home Rule Law to provide for the health, safety, appearance and general welfare of the public, the residents of the Town of LaGrange, and the owners of real property located within the Town of LaGrange.

B. The Town Board of the Town of LaGrange hereby finds that properties which are not properly maintained and repaired constitute a public nuisance since they may serve as an attractive nuisance, may result in injuries therein, may be a point of congregation by vagrants and transients, may attract rodents or insects and may also attract illegal drug activity. The Town Board of the Town of LaGrange further finds that properties which are not adequately maintained and repaired tend to diminish or lessen the appearance thereof or detract from the appearance of adjoining properties, which may lead to the progressive deterioration of a neighborhood. It is further found and declared that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of

large amounts of public funds to correct and eliminate the same, and that by reason of the regulations and restrictions as herein contained, the growth of blight may be prevented, the desirability and amenities of neighborhoods enhanced and the public health, safety and welfare protected and fostered.

C. The purpose and intent of this Chapter is to provide a method whereby properties within the Town are properly maintained and landscaped, properly repaired, kept clean, and kept free from vermin, nuisances, hazards, debris and litter which negatively impact their appearance.

Section 66-2. Applicability.

A. This Chapter applies to the following properties:

(1) All lots, plots or parcels of land on which residential, non-residential or mixed-use buildings are located, which are vacant, unoccupied or abandoned.

(2) Principal and accessory buildings and structures used for or intended to be used for residential, non-residential or mixed uses or occupancies, which are vacant, unoccupied or abandoned.

B. Every building, structure or use, and the premises on which it is situated located in the Town of LaGrange, which is used or developed for intended use for residential, nonresidential or mixed-use occupancy shall be maintained in compliance with the provisions of this Chapter, whether or not it shall have been established, constructed, altered or repaired before or after the enactment of this Chapter, and irrespective of any permits or licenses or permits which shall have been issued for the use or occupancy of the buildings, structures or premises, or for the installation or equipment or facilities, or for the installation or repair of accessory structures and improvements, prior to the effective date of this Chapter.

C. This Chapter establishes minimum standards for the initial and continued occupancy and use and for the maintenance of all such buildings, structures or uses, and the premises on which they are situated, and does not replace or modify standards otherwise established for their construction, repair, alteration or use or for the equipment or facilities contained therein.

D. The provisions of this chapter shall supplement the local laws, codes and regulations of the Town of LaGrange. When a provision of this chapter is found to be inconsistent with any provision of any other local law, code or regulation of the Town, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.

E. After the date of enactment hereof, all licenses, permits, and approvals of any agency or board of the Town shall be issued conditionally upon compliance with this Chapter as well as compliance with the local law, code or regulation under which such license, permit or approval is granted.

F. No license, permit, approval, other certification of compliance with this chapter shall constitute a defense against any violation of any other local law, code or regulation of the Town of LaGrange applicable to any structure or premises, nor shall any provision herein relieve any owner or operator from complying with any such other provision or with the order of any official of the Town.

Section 66-3. Definitions.

ABANDON OR ABANDONED To withdraw or give up by leaving the premises or ceasing to operate or inhabit the premises; to relinquish or renunciate an interest, claim, privilege,

possession or right in a real property or an improvement on real property especially with the intent of never again resuming or reasserting it; more than a seasonal absence from the premises.

OWNER The owner of record of a tract, lot, or parcel.

PERSON IN CONTROL The owner, the attorney for the owner, the trustee in bankruptcy, a referee of foreclosure or a real estate broker or any other person exercising implied or express control of the premises, to be determined on a case-by-case basis.

UNOCCUPIED Lack of habitual presence of human beings.

VACANT Any unoccupied land, structure, building or part thereof, that is available and suitable for occupancy.

ARTICLE II: PROPERTY MAINTENANCE REQUIREMENTS

Section 66-4. Property and landscaping maintenance.

A. The owner, occupant, tenant, operator or person in control as the case may be, of any property subject to this Chapter shall comply with the following:

(1) Lawns or other ground cover shall be kept trimmed to a height of no greater than ten (10) inches.

(2) No green waste, such as yard waste, wood chips, leaves, brush and grass clippings shall be placed less than ten (10) feet from any property line. This section shall not apply to green waste placed at the curb for removal by the Town of Lagrange or by a private carter, provided that such placement is in accordance with any Town of LaGrange Highway Department requirements and schedule for removal. This section shall not prevent nor prohibit the maintenance of a compost site/area in a properly functioning manner, in an area no greater than 10 feet by 20 feet (200 square feet) and provided such compost site/area is not located within any front yard, side yard or rear yard setback.

ARTICLE III: ENFORCEMENT

Section 66-5. Enforcement official. The Building Inspector is hereby designated to administer and to enforce this Chapter.

Section 66-6. Compliance orders.

A. The Building Inspector is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this Chapter. Upon finding that any such condition or activity exists, the Building Inspector shall issue a compliance order.

B. The Building Inspector shall cause the compliance order, or a copy thereof, to be served by at least one (1) of the following methods:

(1) personal service upon the owner, tenant, occupant, managing agent or person in control of the property or premises;

(2) mailing by registered or certified mail to the owner, tenant, occupant, managing agent or person in control of the property or premises; or

(3) posting a copy of the compliance order upon the front portion of the property or upon the main structure and mailing a copy of such notice by certified or registered mail to the owner of the property as shown on the current assessment records of the Town.

C. The compliance order shall:

(1) be in writing;

(2) be dated and signed by the Building Inspector;

(3) specify the condition or activity that violates this Chapter;

(4) specify the provision or provisions of this Chapter which is/are violated by the specified condition or activity;

(5) specify that such violation must be corrected or abated within five (5) days of the date of service; and

(6) state the appropriate consequence for failure to correct or abate the condition or activity within the specified period of time, as set forth in section 66 - 7.

D. The date of service of a compliance order issued pursuant to this section shall be the date of personal service or the date of mailing, whichever is applicable.

Section 66-7. Compliance; Correction or removal by Town.

A. Any owner, tenant, occupant, managing agent or person in control of any property or premises which has been determined to be in violation of the requirements of this Chapter shall cure, abate, correct or remove such violation, when ordered to do so by the Building Inspector, within five (5) days of the service of written notice as provided in section 66-6, above.

B. If the violation is not timely corrected or removed pursuant to the compliance order, the Town may cause the removal or correction. Said correction or removal may be performed by the Town of LaGrange or by its designee, or agent, including a private contractor. In carrying out such correction or removal, the Town may move any debris, litter, garbage or other refuse or matter to a different, screened location on the property so as to remove it from view, but will not remove it from the property.

C. The owner, occupant, tenant, managing agent or person in control of the property shall be responsible to reimburse the Town of LaGrange for the costs of the removal, abatement or correction of the violation. Such costs shall include the necessary and reasonable attorneys' fees incurred by the Town in prosecuting the violation. In the event of failure to reimburse the Town for such costs, the following shall apply:

(1) The Town may seek recovery of such costs by action venued in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorneys' fees expended by the Town in prosecuting such action.

(2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of costs incurred by the Town shall be remedied by charging such sums against the real property which is the subject of the violation, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Comptroller, to be applied in reimbursing the fund from which the costs were defrayed for the corrective or abatement action. Prior to charging such assessments, the owner(s) of the real property shall be provided written notice to their last known address of record by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than thirty (30) days after its mailing.

D. The removal or correction of any violation by the Town of LaGrange or its agents shall not operate to excuse such owner, tenant, occupant, managing agent or person in control from properly maintaining the property or premises as required by this Chapter.

ARTICLE IV: MISCELLANEOUS PROVISIONS

Section 66-8. Emergencies.

Whenever the Building Inspector, at any stage of the proceedings instituted under the provisions of this Chapter finds that a violation exists which, in his or her opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of a building or the public, he or she may, without prior notice or hearing, issue an

order citing the violation and directing that such action be taken as necessary to immediately remove or abate the hazard or danger. Such order may include an order to vacate.

Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

Section 66-9. 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 a public hearing be held in relation to the proposed local law 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 June 8, 2011 at 7: 00 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 five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

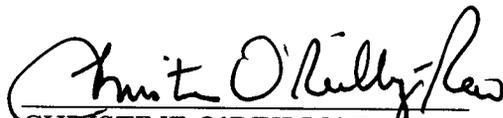
TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on June 8, 2011 at 7:00 o'clock, p.m., on a proposed local law regulating maintenance of abandoned property.

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

May 25, 2011

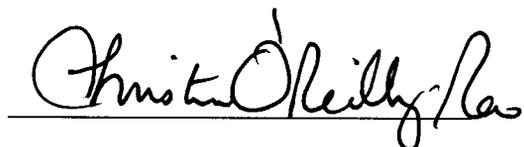

CHRISTINE O'REILLY-RAO
TOWN CLERK

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

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York

May 25, 2011



CHRISTINE O'REILLY-RAO
TOWN CLERK

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