

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

**TOWN BOARD MEETING
February 8, 2012**

Present: Supervisor Jon Wagner
Councilman Edward Jessup
Councilman Gary Polhemus
Councilman Andrew P. Dyal

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

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

The regular meeting of the Town Board was held on Wednesday, February 8, 2012, 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 accept the minutes for January 25, 2011. Councilman Jessup so moved, seconded by Councilman Polhemus. Supervisor Wagner abstained. The motion carried unanimously.

Supervisor Wagner asked for a motion to accept the monthly reports for January 2012. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Building, Planning, Zoning & Public Works:	\$11,560.00
Highway Superintendent:	\$900.00
Justice Caplicki (Inc. State Share)	\$36,075.00
Justice O'Hare (Inc. State Share)	\$26,421.00
Parks and Recreation	\$2,340.00
Town Clerk	\$1,040.42

Supervisor's Report

Mr. Wagner stated that he was re-elected President of the Mayors and Supervisors Association on February 7, 2012.

Dutchess County will sponsor Fleet Week on May 28 – 29, 2012. Fifty crew members of the Guided Missile Destroyer, the USS ROOSEVELT will be honored in the Hyde Park Memorial Day Parade as well as the American Legion and National Park Service's annual Memorial Day events. Other events included in this "Adopt-A-Sailor activity will include a picnic dinner at the

Hyde Park Rogers Point Club. More information about this event will be posted on the Town's website.

Mr. Wagner stated that he, the Comptroller and the Town's bond advisor had participated in an extensive interview with Moody's as part of an investigative report on the Town's fiscal health. He added that the Town's AA2 rating was maintained due to the Town's sound financial position. He cited the Town's spending policies as well as its internal controls as factors which helped maintain this credit rating; and will therefore allow the Town access to rates well below 2% for the proposed bond consolidation. In all, the savings for taxpayers will be \$927,923.21.

Councilman Luna arrived at 7:08 p.m.

Correspondence

Correspondence from Cablevision will be available in the Clerk's office for one week.

Agenda Items

Mr. Wagner asked for a motion to amend the minutes for January 11, 2012. The following were amended:

- EAF Resolution and Resolution of Adoption for Local Law #1 (Drive – Throughs) should reflect the fact that Councilman Polhemus was absent and did not vote
- Resolution setting the Agenda Policy for the Town should reflect the fact that Councilman Polhemus was absent and did not vote
- Salary Listing should reflect Assessor position as being held by Robert Taft
- Salary Listing for Mr. Taft should be listed as \$55,000.00 per annum

Councilman Jessup moved to make those amendments, seconded by Councilman Dyal. The motion carried unanimously.

Supervisor Wagner asked for a motion for a Resolution amending various provisions of Chapter 199 of the LaGrange Town code dealing with Land Development Public Improvements, Performance Security and Dedication Procedures. (SEE ADDENDUM)

Councilman Jessup moved to set a Public Hearing for March 14, 2012, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Wagner asked for a motion to adopt a Resolution requiring Deputy Supervisor Luna to execute an official undertaking as required by law. (SEE ADDENDUM)

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

The Assessor requested Town Board approval to attend two classes: IAO/Subdivision Analysis in Fishkill on February 8, 2012 and IAO/Certiorari Preparation for Assessment Purposes in Fishkill on June 15, 2012. The cost to the Town is \$95.00 per class.

Councilman Dyal so moved, seconded by Councilman Jessup. The motion carried unanimously.

Highway Superintendent Kelly requested Town Board approval to award a Road Sweeping Contract for 2011-2012. (SEE ADDENDUM)

Councilman Jessup moved to award the bid to Community Custom Services, seconded by Councilman Polhemus. The motion carried unanimously.

Building Inspector, Ken McLaughlin has no objection to adding All County Electrical Inspection Service Inc. to the Third Party Electrical Inspectors list.

Councilman Luna moved to approve the request to add All County Electrical Inspection Service, Inc. to the Third Party Electrical Inspectors List, seconded by Councilman Jessup. The motion carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

No report

Open Space

Mr. Jessup stated that the Committee will meet next week with Dutchess County Land Conservancy regarding Sleight Farm.

Highway

No report

Board Comments

Mr. Wagner stated that Grandview Water District had experienced problems during the last 48 hours. He asked Ms. Livigni to give the Board more information.

Ms. Livigni stated that the system was built in the late 60's and re-engineered in early 2000. The system is pressurized and has no hydrants. She added that she felt that the re-design done by Chazen had caused the problems.

Ms. Campaglione from Environmental Consultants added that they are trying to troubleshoot, but the problems are sporadic and random. They are trying to get expert input from various sources in order to resolve the problems.

Mr. Polhemus gave the Board an update on the Assessor's progress with assessments and tax certiorari. He stated that Mr. Taft had done a good job and had resolved the majority of the outstanding tax certiorari with the help of Mr. McGrath.

Town Attorney

No comments

Environmental Consultants

No comments

Administrator of Public Works

Ms. Livigni stated that Dutchess County Department of Public Works has scheduled work for Noxon Road - Route 55 - Titusville Road for Spring of 2013.

In addition, New York State Department of Transportation will begin implementation of the Route 55 corridor re-design project in 2013.

A brief discussion followed.

Public Comment

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

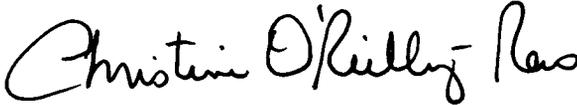
Norman Rodriguez addressed the Board. He read a statement about his concerns for the Country and the current economic climate. He ended by asking the Board if they would consider sponsoring workshops on self sustainability, which he felt, would foster a sense of community and cooperation.

Mr. Wagner asked him to contact the Legislative Aide to get a number for Mr. Htoo who is the Chairman of the Town's CAC.

Councilman Jessup moved to close the Public Comment, seconded by Councilman Dyal. The motion carried unanimously.

Councilman Luna moved to adjourn, seconded by Councilman Dyal. The motion carried and the meeting adjourned at 7:30 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution of Introduction: Chapter 199-5
- Official Undertaking: Deputy Supervisor Joseph Luna
- Road Sweeping Memo

RESOLUTION

Councilman Jessup, introduced the following proposed local law, which was seconded by Councilman Polhemus known as Local Law No. ___ of 2012, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 199 OF THE LAGRANGE TOWN CODE DEALING WITH LAND DEVELOPMENT PUBLIC IMPROVEMENTS, PERFORMANCE SECURITY AND DEDICATION PROCEDURES.

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

Section 1. Chapter 199, Section 199-5, is amended to read as follows:

§ 199-5. Purpose.

It is the purpose of these specifications to establish minimum acceptable standards for street construction, and related public improvements, for subdivision or other private land development in the Town of LaGrange, including but not limited to width, design, drainage, construction of base and pavement, curbs and sidewalks, monuments and signs. In the event the Town Board exercises its discretion to accept dedication upon completion of improvements, dedication of the right-of-way and related land development public improvements or infrastructure, including but not limited to stormwater management, utilities infrastructure, and street landscaping, will not be accepted until the developer's professional engineer, the Town Superintendent of Highways, and the Town Engineer shall have certified to the Town Board in writing that the construction of the street or streets, and related public improvements, have been completed in accordance with the plans and the specifications approved by the Town. If the Town Board elects to accept dedication upon completion of improvements, marketable and unencumbered fee title to such roadway, and marketable and unencumbered fee title or easements to related public improvements at the Town's option, must be granted to the Town by a full covenant and warranty instrument(s) containing the correct metes and bounds description, and must be in such form as may be required to entitle the same to be recorded in the office of the County Clerk of Dutchess County. Title examination, title insurance premiums, and all filing fees must be paid by the grantor(s). The form and content of all instruments of conveyance are subject to approval by the attorney for the Town.

Section 2. Chapter 199, Section 199-6 is amended to read as follows:

§ 199-6. Certification by engineer.

In his written certification, as required above, the developer's professional engineer shall state clearly that he or his authorized representative has inspected all phases of the street construction, and of related public improvements, and that all work has been completed in accordance with the approved land development plans and the specifications set forth in this Chapter. Suitable as-built drawings shall be prepared by the developer's engineer and submitted to the Town. (Refer to § 199-48).

Section 3. Chapter 199, Section 199-7 is amended to read as follows:

§ 199-7. Preparation and submission of street plan.

A plan of the proposed street shall be prepared by a qualified engineer properly licensed by the State of New York. The plan shall clearly define the limits of the proposed right-of-way and shall include the locations, widths, profiles and grades of proposed roadways, storm drainage, including culverts and other drainage structures, and the location of easements and utilities. The plan shall first be submitted to the Town Superintendent of Highways and Town Engineer, and then to the County Commissioner of Public Works when any street drains toward or may otherwise affect a county highway, and then to the Town Planning Board for review and approval under the applicable subdivision regulations of the Town. Such plans so submitted shall not be altered or amended after having been approved by the Planning Board unless amended plans are resubmitted and approved as above. However, the developer shall, at his own expense, provide additional storm drainage facilities as may be ordered by the Town Superintendent of Highways if during the progress of the work, in the opinion of the Town Superintendent of Highways, the Town Engineer, and the Commissioner of Public Works (if applicable), such additional structures or facilities are necessary to assure the durability of pavement, the future maintenance of right-of-way or the welfare or safety of the public. If construction has not been started within two years from the date of final approval by the Town Planning Board, plans shall be resubmitted and approved as shown.

Section 4. Chapter 199, Section 199-8 is amended to read as follows:

§ 199-8. Performance security.

A. Two-party performance bond.

- (1) Prior to the start of construction of any street and related public improvements, and as a condition of any subdivision approval, the developer as obligor shall deposit

with the Town as obligee a performance bond with security acceptable to the Town Board, as to form, sufficiency and manner of execution, guaranteeing:

- (a) That within one year of acceptance of the performance bond, or such other time period as determined by the Town Board, not to exceed an initial period of three years, the developer will complete the construction of all improvements within the right-of-way, and related public improvements, in accordance with the approved plans and these specifications.
 - (b) That, upon certification by the developer's professional engineer or licensed land surveyor, by the Town Superintendent of Highways, and by the Town Engineer, that the construction of the street(s) and related public improvements have been completed in accordance with the approved plans and specifications the developer will dedicate, in the event that the Town Board will accept dedication, the completed street(s) and related public improvements, free and clear of all liens and encumbrances, to the Town for public use in accordance with the procedure for acceptance of new Town highways, in § 199-51 of the Town Code of the Town of LaGrange, including, but not limited to, the deposit of a maintenance bond and supporting security and any and all other requirements of dedication reasonably established by the Town Board. This guaranty of dedication to the Town, should the Town Board elect to accept dedication after completion of the improvements, shall apply to the owner of the property, as well as the developer where the two are not synonymous, and those parties shall jointly execute the performance bond and all related documents.
- (2) As security for a two-party performance bond, the Town Board will require the developer to provide a letter of credit payable on sight to the Town from a banking institution, acceptable to the Town Board as to source, form, sufficiency, and manner of execution; in its sole discretion, the Town Board may accept cash, or a certified check drawn on a national or state bank, payable to the Town upon default under the performance bond. The minimum or base amount of the performance bond, which shall also form the basis for application of an additional charge multiplier of 50% unless waived or reduced by the Town Board, shall be determined by applying to the quantities or dimensions, shown on the approved plans therefor, the rates per unit as established by the schedule of rates produced at Figure 1 at the end of this chapter.
- B. Three-party (Surety) Performance Bonds. The Town Board shall be empowered to accept performance bonds issued by a surety to the Town as beneficiary and to the developer as bond principal for the purposes and in the amount identified in subparagraph (A) of this Section less the sum of \$20,000 or 5% of the amount to be bonded whichever is greater. Surety performance bonds must be satisfactory to the Town as to form, sufficiency, manner of execution, and identity of surety. The sum of \$20,000 or 5% of the amount to be given as performance security, whichever is greater, shall be provided, with a two-party performance bond in that amount to the Town, in the

form of cash, certified check or letter of credit acceptable to the Town to complete the providing of full performance security. The cash or letter of credit security shall be applied first to address default. At the Town's discretion, the monies realized by the Town from application of the letter of credit, certified check or cash security may be used by the Town to defray the actual and reasonable legal fees, and other consultant costs, incurred by the Town for matters arising out of the developer default, including but not limited to disputes or litigation with the surety for failure by the surety to perform obligations under the surety bond.

- C. Upon certification by the developer's professional engineer or licensed land surveyor, by the Town Superintendent of Highways, and by the Town Engineer, that a significant portion (a minimum of 25%) of the public improvements have been completed in accordance with the approved plans and specifications, the developer may request a reduction in the amount of the performance bond. A maximum of two reductions will be permitted, and the amount of the reduction shall be determined by applying to the quantities or dimensions completed by the rates per unit as established in the schedule of rates shown in Figure 1 plus the 50% multiplier if required. At no time shall the amount of the required performance bond held be less than 25% of the original bond estimate. In the event that performance is secured by a surety bond, the amount of the surety bond shall be reduced rather than the partial security provided by cash, certified check, or letter of credit established at the time the surety bond was provided.

Section 5. Chapter 199, Section 199-51(A) is amended to read as follows:

§ 199-51. Steps enumerated.

- A. Three (3) sets of plans (as-built drawings) of the road or roads showing the right-of-way lines, drainage and utility easements and a center-line profile must be submitted to the Town Clerk, together with the same number of as-built plans for related land development public improvements. These plans must have the stamp of a licensed professional engineer, and if they are a portion of a subdivision, must also bear the stamp of approval of the Planning Board.
 - (1) For a description of the requirements for the preliminary as-built drawings, refer to § 199-48D.

Section 6. Chapter 199, Section 199-51(D) is amended to read as follows:

- D. All proposed instruments of conveyance must be checked by the Town Attorney (within two weeks) as to form and sufficiency, and as to marketable title by abstract of title and title insurance, the cost of which will be borne by the applicant.

Section 7. Chapter 199, Section 199-51(F) is amended to read as follows:

- F. The work completed on the road or roads at the date of submittal must be approved by the Town Highway Superintendent and Town Engineer, and the Town Board must be notified of this approval. Where the road(s) is a component of a public project, or a private project such as a residential land subdivision, which includes related water, sewer, stormwater or landscaping infrastructure improvements, approval shall further be required of the Town Administrator of Public Works.

Section 8. Chapter 199, Section 199-51(G)(1) is amended to read as follows:

- G. Continuation and maintenance bond and security.
 - (1) Continuation security in the form of cash, acceptable letter of credit, or certified check drawn upon a national or state bank, or other cash equivalent, payable on and after the date of acceptance of the dedication of any road and any related public improvement, by the Town will be provided by the developer to the Town upon an acceptance of dedication for the purpose of securing an undertaking by the developer that the developer has constructed the road(s) and public improvement(s) to the standard of construction set by the specifications under which the road or public improvement were originally approved, normal wear and tear excepted.

Section 9. This local law shall be effective upon filing with the New York State Secretary of State.

Section 10. Pursuant to Section 22 of this state's Municipal Home Rule Law, the provisions of this local law are intended to supersede any inconsistent provisions of state statute, general or special in nature, including those portions of the following sections of the New York State Town Law: Sections 274-a, 274-b, 276, 277 and 278 which are in any way inconsistent with the provisions of this local law.

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 March 14,, 2012, 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:

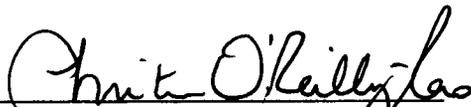
NOTICE OF PUBLIC HEARING

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 March 14, 2012 at 7:00 o'clock, p.m., on Local Law No. ___ of the Year 2012, amending various provisions of Chapter 199 of the LaGrange Town Code dealing with Land Development Public Improvements, Performance Security and Dedication Procedures.

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.

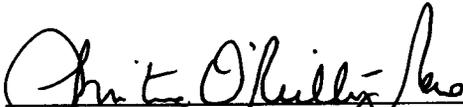
DATED: LaGrange, New York
February 8, 2012


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 Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrange, New York
February 8, 2012


CHRISTINE O'REILLY RAO
TOWN CLERK

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2012\Amend Ch. 199-5,6,7,8 & 51\02.08.12 accepted RESOLUTION OF
INTRO.doc

Official Undertaking

WHEREAS, Town Law§25 and various sections of Public Officers Law require that certain municipal officials execute an Official Undertaking; and

WHEREAS, it is required by law that the Town Board approve the Official Undertaking as to its form and manner of execution and sufficiency of the insurance, and

WHEREAS, we, the Town Board of the Town of LaGrange hereby require the Deputy Supervisor to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of LaGrange approve and adopt the form, manner and substance of the official municipal undertaking contained in the document entitled "Town of LaGrange Official Undertaking of Municipal Officers"; and

BE IT FURTHER RESOLVED that the said Official Undertaking containing the notarized signature of the municipal official be filed in the Office of the Town Clerk, as well as the original copies of the official Insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such official to properly discharge their duties.

Motion: Councilman Jessup
Second: Councilman Polhemus
The motion carried unanimously.

WHEREAS, Joseph Luna, of the Town of LaGrange, County of Dutchess, New York, has been appointed to the office of Town Deputy Supervisor of the Town of LaGrange;

NOW, THEREFORE, I as the respective officer above, do hereby undertake with the Town of LaGrange that I will faithfully perform and discharge the duties of Deputy Supervisor, and will promptly account for and pay over all monies or property received as a Town officer, in accordance with the law; and

This undertaking of the Town Deputy Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all the monies and property, including any special district funds, belonging to the Town and coming into his hands as such Deputy Supervisor.

The Town does and shall maintain insurance coverage, presently with NYMIR Insurance Company to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.



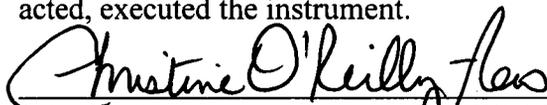
Joseph Luna, Town Deputy Supervisor
Town of LaGrange

STATE OF NEW YORK:

:SS:

COUNTY OF DUTCHESS:

On the 9th day of February, 2012 before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Luna, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC – STATE OF NEW YORK

CHRISTINE M. O'REILLY-RAO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01OR6169917
My Commission Expires July 02, 2015



TOWN OF LAGRANGE HIGHWAY DEPARTMENT

130 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
845-452-2720 845-452-2709 FAX

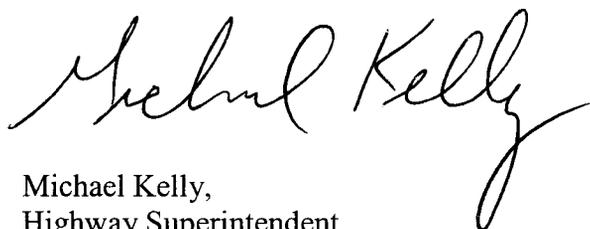
DATE: January 20, 2012
TO: The Town Board
FROM: Michael Kelly
RE: Award Road Sweeping Contract for 2011-2012

Town Board,

After reviewing all bids that were submitted to the Town for the "Road Sweeping" contract for the period of October 1, 2011 thru September 30, 2012, it is my recommendation that we award the bid to the following vendor marked in **BOLD** print as they were the lowest bidder.

- 1. Community Custom Services** **\$ 339.50 per mile**
24 S. Cross Road
Staatsburg, NY 12580
2. East Coast Industrial Services **\$ 348.00 per mile**
P.O. Box 1069
Pine Bush, NY 12566

Thank you,



Michael Kelly,
Highway Superintendent