

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

**TOWN BOARD MEETING
April 25, 2012**

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

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

Others Present: Ron Blass, Esq. Van De Water & Van De Water

The regular meeting of the Town Board was held on Wednesday, April 25, 2012, at the LaGrange Town Hall, 120 Stringham Road. The Supervisor 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 April 11, 2012. Councilman Jessup moved to do so, seconded by Councilman Dyal. The motion carried unanimously.

Supervisor's Report

Supervisor Wagner stated that he had been in contact with Dutchess County Soil and Water Conservation regarding damage at the Red Oaks Mill dam. The flood meters are downstream from the damage so there is no concern at this time. In addition, he stated that there is no liability to the Town regarding the damage at the dam.

Correspondence

Vassar Brothers Medical Center is requesting permission to hold its Annual Triathlon at Freedom Park in LaGrange on Saturday, September 8, 2012. They will notify all appropriate authorities. Mr. Wagner added that the race coordinator would be notified in writing that there should be no disruption to local residents or businesses during the race. Councilman Luna moved to permit the event, seconded by Councilman Polhemus. The motion carried unanimously.

Agenda Items

Mr. Wagner asked for a motion to approve a Stipulation Settlement of a Tax Certiorari for American Tower Corporation for 2009 through 2011. (SEE ADDENDUM)

Councilman Polhemus noted that the cost to appraise the property would amount to \$7,500 which would not be cost effective in light of the total refund (\$527.32) that the Town is actually agreeing to in the Stipulation.

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

Mr. Wagner asked for a motion to approve the acceptance of an Erosion Bond in the amount of \$1,500 for 17 South Cross Road; grid # 6560-04-805351.

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

Mr. Wagner asked for a motion to approve a Performance Bond and Inspection Fee Estimate for LaGrange - Sleight Farm Subdivision Phase 4. (SEE ADDENDUM)

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

Committee Reports

Water and Sewer

No Report

Recreation

Mr. Polhemus stated that the Committee had met on Monday regarding the proposed pavilion for Lagrange Lacrosse. There will be an onsite review of the physical location for the pavilion scheduled for a Saturday sometime in the future.

Community Day is scheduled for June 9th.

Open Space

Mr. Jessup stated that the closing for Sleight Farm is scheduled for late May or early June.

Highway

Mr. Jessup stated that Highway Superintendent Kelly had spoken to him about the brush pile at the transfer station. The cost for chipping is estimated between \$27,000 and \$29,000.

Mr. Wagner asked him to check with the Comptroller about the matter.

Town Attorney

No comments

Town Board Comment

Councilman Polhemus stated that earlier today, he, Mr. Bolner and Superintendent Kelly had attended the Dutchess County seminar on grants.

Public Comment

Councilman Luna moved to open the Public Comment, seconded by Councilman Dyal. The motion was carried by all.

Allison Withers from the library addressed the Board. She stated that a recognition dinner for the library volunteers had been held last Saturday and added that the number of volunteer hours for 2011 would amount to about \$96,000 in salaries. The library has received a grant in the amount of \$500 from the Mid-Hudson Library system to encourage middle school children to participate in the summer reading program.

Mr. Peter Plavachan addressed the Board regarding the proposed effort to establish the library as a separate district by referendum in the Fall. The establishment of the library as a district would add an additional tax line on residents' tax bills. He stated that by New York State definition, a library must have 50,000 volumes and added that he doubted that the LaGrange library contained that number. In addition, he stated that the periodicals, VHS tapes and other videos that the library had were out of date. He urged the Board to shut the library before the referendum is put to a vote.

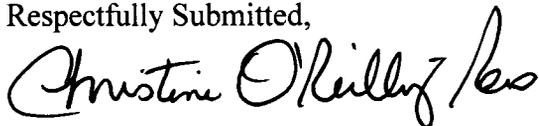
Councilman Polhemus moved to close the Public Comment, seconded by Councilman Dyal. The motion was carried by all.

Supervisor Wagner asked for a motion to adjourn the meeting.

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

The meeting adjourned at 7:15 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Stipulation Settlement Tax Certiorari: American Tower Corporation
- LaGrange- Sleight Farm Subdivision Phase 4

VAN DEWATER AND VAN DEWATER, LLP

COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
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Gerard J. Comatos, Jr.
Ronald C. Blass, Jr.
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John K. Gifford
Shari S.L. Hubner
Janis M. Gomez Anderson
Counsel

April 10, 2012

Town of LaGrange Town Board
Town Hall
120 Stringham Road
LaGrangeville NY 12540

Attn: Jon Wagner, Town Supervisor

Re: American Tower Corp. v. Town of LaGrange

Dear Supervisor Wagner and Town Board Members:

This tax review proceeding involves one parcel identified as Cramer Road/20 Vervalen Drive, Poughkeepsie, New York (6461-03-199144-0000).

In summary form, the tentative settlement and reductions in assessed value are as follows:

Assessment Roll	Assessed Valuation	Reduction in Assessment	Final Assessment
2011	\$542,900	\$217,900	\$325,000

The 2009 and 2010 actions will be discontinued. There will be no refunds required for this settlement.

This settlement is recommended by Robert Taft, Town Assessor. It is our opinion that we would not do any better than the settlement that is before you in the event of a trial.

received
4/16/12

April 10, 2012

Enclosed is a Resolution for your consideration. By copy of this letter to the Town Clerk, I request that she advise me of your decision after it has been considered by you.

Thank you for referring this matter to us.

Very truly yours,

VAN DE WATER & VAN DE WATER, LLP

By: Kyle W Barnett
KYLE W. BARNETT

KWB/tlr
Enclosure

cc: Robert Taft, Town Assessor
Christine O'Reilly-Rao, Town Clerk
Ronald C. Blass, Jr., Town Attorney
Mario L. Spagnuolo, Esq.

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Stipulation settling the tax certiorari proceedings brought by American Tower Corp. against the Town of LaGrange for the 2009 through 2011 tax years and Robert Taft and Mr. Barnett are authorized to sign such other and further papers as are necessary to effectuate the settlement, no refunds are required.

Dated: LaGrangeville, New York
April 25, 2012

MOVED BY: Councilman Polhemus

SECONDED BY: Councilman Jessup

AYES: 5

NAYES: Ø

Christine O'hilly
Town Clerk



TOWN OF LAGRANGE

OFFICE OF THE ASSESSOR

120 Stringham Road, Lagrangeville, NY 12540

TEL (845) 452-5889; FAX (845) 452-8997

American Tower Corp. VS Town of LaGrange

For the 2011 tax roll the attached agreement indicates a total assessed value reduction in the amount of \$217,900. This works out to be approx. \$527.32 in total refund by the town of LaGrange

It is my recommendation a reduction in total assessed value be accepted by the town board.

The quote for the appraisal which was going to be jointly shared between many towns was \$7,500 for the LaGrange portion. We would have no assurance that the appraised value would be to our benefit so it made no sense that we enter into an agreement with other towns at such a large sum of money.

\$527.32 a year divided by \$7,500 for the cost of the appraisal, it would take 14 years to make up for the cost of the appraisal.

Robert Taft

Assessor

Stormwater Management Consultants, Inc.

April 13, 2012

Mr. Jon Wagner, Supervisor
and Members of the Town Board
120 Stringham Road
Lagrangeville, New York 12540

*Re: LaGrange/Sleight Farm Subdivision – Phase 4
Performance Bond and Inspection Fee Estimates
Job # LG.008*

Dear Supervisor Wagner:

Stormwater Management Consultants, Inc. (SMC) has reviewed a bond estimate prepared by the Applicant's Engineer for the proposed roadway and related improvements of the Sleight Farm Subdivision, Phase 4.

Using the estimate prepared by the Applicant's Engineer and the Town of LaGrange Code, I have prepared the attached estimate of improvements for the purpose of determination of the Performance Bond and Inspection Fee.

As shown on the attached table, the estimated total road and related utilities improvement cost is \$671,261. Based on this amount, the construction inspection account would total \$13,425, which is 2% of the estimated improvement cost.

received
4/16/12

P.O. Box 202, LaGrangeville, New York 12540
Phone 845-462-0022 • Fax 845-462-0033
w.artus@verizon.net

Any questions regarding these matters may be directed to me. I may be contacted directly at (845) 462-0022.

Sincerely,



Walter R. Artus, CPESC, CMS4S
Principal

WRA/wra

cc: Alan Bell, Planning Board Chairman
Christine O'Reilly-Rao, Town Clerk
Mike Kelly, Town Highway Superintendent
Wanda Livigni, Administrator of Public Works
Ronald Blass, Jr., Town Attorney, Van DeWater and Van DeWater
Greg Bolner, P.E., Town Engineer, Clark Patterson Associates
Robert Gray, P.E., Morris Associates P.S., LLC

Sleight Farm Performance Bond Estimate Phase 4
4/13/2012

No.	Item Name	Qty.	Unit	Cost	Value
FOR SUB-ROADWAY:					
1	Clear & Grub - Road ROW	1,340	LF	\$4.00	\$5,360
2	Clear & Grub - Easements	2,760	LF	\$2.00	\$5,520
3	Rough Grade	1,340	LF	\$8.00	\$10,720
4	Foundation Course	1,340	LF	\$8.00	\$10,720
FOR SHOULDERS AND DITCHES RURAL ROADWAY (FIGURE 4):					
1	Surface - asphalt conc. Binder course, 3-inch thickness	3,573	SY	\$8.00	\$28,584
2	Surface - asphalt conc. Wearing course, 2-inch thickness	3,573	SY	\$6.00	\$21,438
6	Asphalt curb	2,680	LF	\$3.50	\$9,380
Storm Drain Pipe (HDPE):					
2	18" Dia. HDPE	393	LF	\$27.00	\$10,611
3	24" Dia. HDPE	116	LF	\$36.00	\$4,176
4	30" Dia. HDPE	891	LF	\$45.00	\$40,095
Sewer Pipe (PVC)					
3	8" Dia. PVC (gravity main)	2,870	LF	\$50.00	\$143,500
Misc.					
2	Storm Manhole - 6 ft	4	EA.	\$1,050.00	\$4,200
3	Catch Basin < 5 ft	4	EA.	\$800.00	\$3,200
6	Sanitary Manhole < 5 ft	1	EA.	\$800.00	\$800
7	Sanitary Manhole - 6 ft	4	EA.	\$1,050.00	\$4,200
8	Sanitary Manhole - 7 ft	3	EA.	\$1,300.00	\$3,900
9	Sanitary Manhole - 8 ft	2	EA.	\$1,550.00	\$3,100
10	Sanitary Manhole - 9 ft	1	EA.	\$1,800.00	\$1,800
11	Survey Monument	28	EA.	\$200.00	\$5,600
12	Street name sign	2	EA.	\$200.00	\$400
13	Final Cleaning of drainage system	1,400	LF	\$1.50	\$2,100
14	Repairs to binder prior to wearing	3,573	SY	\$0.80	\$2,858
15	As-built plan	1,340	LF	\$2.00	\$2,680
16	Temporary erosion and sediment controls	3,000	SY	\$2.50	\$7,500
Misc. Undefined					
1	8" PVC Water Main	600	LF	\$50.00	\$30,000
2	Topsoil-Seed-Mulch	12,773	SY	\$5.00	\$63,865
3	Fire Hydrants	1	EA.	\$2,000.00	\$2,000
4	6" Sanitary Lateral Connection	16	EA.	\$300.00	\$4,800
5	1" Water Service	16	EA.	\$500.00	\$8,000
6	Street tree	32	EA.	\$200.00	\$6,400
Total					\$447,507
Performance Bond				1.5 x Total	\$671,261
Maintenance Bond				20% Perf. Bond	\$134,252
Inspection Fee				2% Perf. Bond	\$13,425