

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

**TOWN BOARD MEETING  
November 14, 2012**

**Present:** Deputy Supervisor 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  
Wanda Livigni, Administrator of Public Works

The regular meeting of the Town Board was held on Wednesday, November 14, 2012, at 24 Firemen's Way, Town of LaGrange. Mr. Luna called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Mr. Luna reviewed the Emergency Exits for the room.

Mr. Luna asked for a motion to accept the minutes for November 7, 2012. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Mr. Luna asked for a motion to accept the monthly reports for October 2012. Councilman Polhemus so moved, seconded by Councilman Jessup. The motion carried unanimously.

• Building, Zoning, Public Works & Planning	Total \$16,256.28
• Highway Department	Total \$0
• Justice Egitto (incl. State Share)	Total \$21,821.00
• Justice O'Hare (incl. State Share)	Total \$13,545.00
• Recreation	Total \$2,960.00
• Town Clerk	Total \$1,200.05

**Agenda Items**

Mr. Luna stated that the Public Hearing for the Preliminary 2013 Budget had been held on Wednesday, November 7, 2012. Councilman Jessup moved to adopt the Preliminary 2013 Budget, seconded by Councilman Dyal. The motion carried unanimously. (SEE ADDENDUM)

Mr. Luna asked for a motion to adopt Local Law 6 of 2012, which amends code enforcement and penalties for Chapters 83, 124, 197 and 240. The Dutchess County Zoning Referral comment noted that the matter was of local concern. (SEE ADDENDUM)

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

Mr. Luna asked for a motion to set fees for Town Hall use. (SEE ADDENDUM)

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

Mr. Luna asked for a motion for the Comptroller's 2012 salary. (SEE ADDENDUM)

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

Mr. Luna asked for a motion to set a Standard Workday for Appointed Officials. (SEE ADDENDUM)

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

The Building Inspector requested Town Board approval to waive the sign permit fee of \$75.00 for the Noxon Road PTA, which is a non-profit organization. Their signage will be displayed at Arlington High School until November 19, 2012.

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

The Building Inspector requested approval to return a building permit fee, in the amount of \$40.00 to a resident on Charlotte Drive.

Councilman Dyal moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

### **Committee Reports**

#### **Water and Sewer**

No Report

#### **Recreation**

No Report

## **Open Space**

No report

## **Highway**

Mr. Jessup reported that Highway Superintendant Kelly had received a reasonable estimate (\$ 21,694.00) for the purchase of narrow band radios as required by FCC regulations.

## **Town Attorney**

No comment

## **Public Works**

Ms. Livigni gave updates on the Saxon Road Pump Station rehabilitation project and the Grandview Water District.

## **Town Board Comment**

No comments

## **Public Comment**

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

Ms. Weiss asked if the transfer of \$2,000 to the Comptroller's salary line was a one time transfer or if it would be annually.

Mr. Luna replied that is was just for this year, adding that he felt the Comptroller had done the majority of the budget's groundwork since he was new to the process this year.

Mr. Rabasco congratulated Mr. Luna on his victory in the Town Supervisor's race. He asked if salaries for Town employees were hourly or per annum.

Mr. Luna replied that generally department heads are salaried, while other employees are paid on an hourly basis.

Ms. Ryan asked a question on the forensic engineer mentioned at the workshop.

Mr. Luna replied that the forensic engineer works for the Town's insurance company (NYMIR). The forensic engineer feels that each unit should be replaced without putting in a whole new system.

Mr. Miller of Skidmore Road stated that he does not wish to tie into a proposed sewer system due to financial reasons.

Mr. Rabasco asked if there were any plans in the Town to try and get natural gas into neighborhoods.

Mr. Luna replied that he had thought about it and had asked Ms. Livigni to contact Con Edison regarding the issue.

Ms. Livigni added that Con Edison didn't seem too interested.

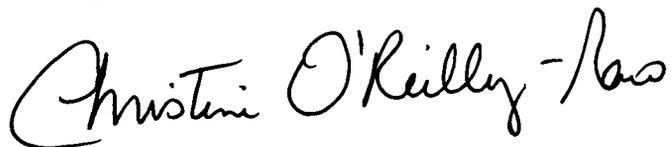
Councilman Jessup moved to close the Public Comment, seconded by Councilman Dyal. The motion was carried by all.

Mr. Luna asked for a motion to adjourn the meeting.

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

The meeting adjourned at 7:20 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao  
Town Clerk

#### ADDENDUM

- 2013 Adopted Budget
- Resolution: Local Law 6 of 2012
- Resolution: Town Hall Usage Fees
- Resolution: Comptroller's 2012 Salary
- Resolution: Standard Workday for Appointed Officials

**RESOLUTION**

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

WHEREAS, Local Law No.6 of 2012 was introduced entitled Local Law No.6 of 2012, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CODE ENFORCEMENT AND PENALTIES PROVISIONS IN CHAPTERS 83, 124, 197 AND 240.

WHEREAS, a public hearing in relation to said local law was held on November 7, 2012 at 6:30 p.m., prevailing time; and

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

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

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

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

Section 1: Subsection (C) of section 83-18, "Enforcement; penalties for offenses" is amended to remove the word "knowingly".

Section 2: Section 124-15, "Penalties for offenses" is amended to read as follows:

"Violations and penalties for offenses

A. Violations.

- (1) Unless exempted under §124-7(B), it shall be unlawful to conduct any regulated activity, as described in §124-7(C), in a wetland, watercourse, water body or buffer area without a permit issued pursuant to this chapter.
- (2) It shall be unlawful to conduct a prohibited activity, as described in §124-7(D), in a wetland, watercourse, water body or buffer area.
- (3) It shall be unlawful to conduct any activity in a wetland, watercourse, water body or buffer area in a manner which deviates from an approved wetlands permit, unless previously approved in writing by the approval authority who issued the permit."

B. Penalties for offenses.

Any violation of this chapter is an offense, punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less \$1,000 nor more than \$5,000 dollars or imprisonment for a period not to exceed fifteen days, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$2,000 nor more than \$15,000 or imprisonment for a period not to exceed fifteen days, or both. Each day that a violation continues shall constitute a separate offense."

Section 3: Subsection (A) of section 124-16 is amended to read as follows:

"A. This chapter shall be enforced by the Town Administrator of Public Works, the Building Inspector

or Deputy Building Inspector(s), or such other officials as may be designated by resolution of the Town Board. All enforcement officials designated under this section shall have the authority to issue appearance tickets under Article 150 of the Criminal Procedure Law of this State for purposes of enforcement of this chapter."

Section 4: Section 124-5, definition of Wetland Administrator, is amended to remove the following words: ", who shall be the Zoning Administrator".

Section 5: Section 197-20 is amended to renumber subsections (A) to (D) as (B) to (E), respectively.

Section 6: Section 197-20 is amended to renumber subsections (F) to (G) as (G) to (H), respectively.

Section 7: A new subsection (A) is added to Section 197-20 to read as follows:

"This section shall be enforced by the Town Stormwater Management Officer or such other official as designated by resolution of the Town Board. The Town Stormwater Management Officer and all officials designated under this section shall have the authority to issue appearance tickets, under Article 150 of the Criminal Procedure Law of this State."

Section 8: Subsection (E) Section 197-20 is renumbered as subsection (F) and amended to read as follows:

"F. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or

subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both. Each day that a violation continues shall constitute a separate offense."

Section 9. Subsection A of section 240-86 "Penalties for offenses." is amended as follows:

"A. Violations and penalties. Any violation of this chapter is an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed fifteen days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less \$350 nor more than \$700 dollars or imprisonment for a period not to exceed fifteen days, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed fifteen days, or both. Each week that a violation continues shall constitute a separate offense."

Section 10: Subsection B of section 240-86 "Penalties for offenses." is amended as follows:

B. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this chapter or of any provision of this chapter or law or regulation, the Town in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. If the Town is successful in obtaining preliminary and/or permanent injunctive relief, it shall be entitled to an award by the court of its reasonable attorney's fees.

Section 11: This local law shall be effective upon filing with the New York State Secretary of State.

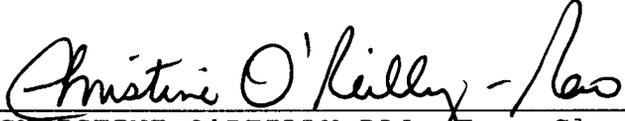
RESOLVED that the Town Board hereby exercises its powers under the Municipal Home Rule Law to amend and supersede, if necessary, the provisions of Section 268 of the Town Law relative to the enforcement remedies set forth in this local law.

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

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

Supervisor	Vacant
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York  
November 14th, 2012

  
CHRISTINE O'REILLY-RAO, Town Clerk

## RESOLUTION

**WHEREAS**, the Town of LaGrange may allow its facilities to be used for the purposes of meetings of Athletic Clubs, Educational Meetings, Public Hearings on issues concerning residents, encouraging public participation in the democratic process and for use by residents for private clubs and associations;

**THEREFORE BE IT RESOLVED**, the Town of LaGrange hereby establishes the following fee schedule for Town Hall use:

Athletic Associations:           No Fee

Political Associations:         No Fee

School Meetings:               No Fee

Private Clubs/ Home Owner's Association: \$20.00 per use

MOTION: Councilman Polhemus

SECOND: Councilman Jessup

THE FOLLOWING VOTE WAS TAKEN:

Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATE: LaGrangeville, New York  
November 14, 2012

  
CHRISTINE O'REILLY-RAO, TOWN CLERK

RESOLUTION

Councilman Jessup submits the following resolution which was seconded by Councilman Polhemus follows:

IT IS HEREBY RESOLVED by the LaGrange Town Board that:

1. The compensation for calendar year 2012 of the Town's Budget Officer is reduced by the sum of \$2,000.00.
2. The compensation for calendar year 2012 of the Town's Comptroller is increased by \$2,000.00.
3. A budget transfer, if necessary, from the appropriate item for Budget Officer to the appropriate item for Comptroller is approved in the amount of \$2,000.00.

WHEREUPON the following vote was taken:

Supervisor	VACANT
Councilman Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York  
November 14, 2012

  
CHRISTINE O'REILLY-RAO, TOWN CLERK

## STANDARD WORK DAY AND REPORTING RESOLUTION

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

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/ Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
<b>Elected Officials</b>							
<b>Appointed Officials</b>							
Bookkeeper	Baughman, Nancy			7	01/11/2012 to 12/31/2012	Y	
Court Clerk	Dillon, Sandra			7		Y	
Court Clerk	Harklerode, Carolyn			7		Y	
Director of Parks & Recreation	Huff, Peter			7	01/11/2012 to 12/31/2012	Y	
Legislative Aide	Kwogios, Kathleen			5	01/11/2012 to 12/31/2012	Y	
Clerk of the Works	Livigni, Wanda			7	01/11/2012 to 12/31/2012	Y	
Building Inspector	Mc Laughlin, Kenneth			7	01/11/2012 to 12/31/2012	Y	
Highway Secretary	Salfelder			7		Y	
First Deputy Clerk	Schmitz, Margaret			7	01/11/2012 to 12/31/2012	Y	
Accounting Officer	Toussaint, Christine			7	01/2011 to 12/31/2013 (2 YR TERM)	Y	
Assessor	Taft, Robert			7	01/11/2012 to 12/31/2012	Y	

Motion: Councilman Polhemus  
Second: Councilman Jessup

The motion carried unanimously.

Lagrangeville, New York  
November 14, 2012

  
Christine O'Reilly-Rao, Town Clerk

On this 14th day of November, 2012

I, Christine O'Reilly-Rao, Town Clerk of the governing board of the Town of LaGrange, of the State of New York, does hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14th day of November, 2012 on file as part of the minutes of such meeting, and that same is true copy thereof and the whole of such original.

I further certify that the full Board consists of 4 members, and that 4 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of LaGrange



Christine O'Reilly-Rao  
LaGrange Town Clerk