

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

**TOWN BOARD MEETING  
March 13, 2013**

**Present:** Supervisor Joseph Luna  
Councilman Gary Polhemus  
Councilman Edward Jessup  
Councilman Andrew Dyal  
Councilman Alan Bell

**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

A regular meeting of the Town Board was held on Wednesday, March 13, 2013, at 24 Firemen's Way in the Town of LaGrange. Supervisor Luna called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Luna asked for a motion to accept the minutes for the Town Board Meeting of February 27, 2013. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

**Public Hearing: Resolution for Sewer Collection Line Improvement for the NYS DOT Route 55 Corridor Project**

Mr. Luna asked for a motion to open the Public Hearing. Councilman Bell so moved, seconded by Councilman Jessup. The motion carried.

There was no comment from the Public.

Mr. Luna asked for a motion to close the Public Hearing. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried.

Councilman Bell moved to issue the Negative Declaration for the Route 55 Project Sewer Collection Line pursuant to the NYS Environmental Quality Review Act. Councilman Jessup seconded the motion and it carried unanimously. (SEE ADDENDUM FOR EAF)

Supervisor Luna asked for a motion to adopt the Resolution of Approval of Sewer Collection Improvement. (SEE ADDENDUM)

Councilman Polhemus stated that he was uneasy with the proposed bonding for \$59,900.00. He understood that the original cost from NYS DOT had been under \$35,000.00  
Ms. Livigni explained that the \$59,900 is an “up to” amount for contingency expenses which may arise during of the project.

Supervisor Luna added that the resolution that Mr. Polhemus voted on at the February 27<sup>th</sup> meeting had specified the bonding amount of \$59,900.00. A discussion followed.

Councilman Jessup moved to adopt the Resolution of Approval of the Sewer Collection Improvement, seconded by Councilman Bell. The motion carried unanimously.

Councilman Bell moved to adopt a Resolution Authorizing Payment to the State for the Requested Work. Councilman Dyal seconded the motion. The motion carried. (SEE ADDENDUM)

Mr. Luna asked for a motion to adopt a Bond Resolution to pay for the cost of the installation of the sewer collection improvement line. (SEE ADDENDUM)  
Councilman Jessup so moved, seconded by Councilman Bell. The motion carried.

### **Public Hearing: Resolution for Water Collection Line Improvement for the NYS DOT Route 55 Corridor Project**

Mr. Luna asked for a motion to open the Public Hearing. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried.

There was no comment from the Public.

Mr. Luna asked for a motion to close the Public Hearing. Councilman Jessup so moved, seconded by Councilman Dyal. The motion carried.

Councilman Bell moved to issue the Negative Declaration for the Route 55 Water Line pursuant to the NYS Environmental Quality Review Act. Councilman Dyal seconded the motion and it carried unanimously. (SEE ADDENDUM FOR EAF)

Councilman Jessup briefly excused himself at this time.

Councilman Polhemus moved to adopt the Resolution of Approval for the Route 55 Water Line, seconded by Councilman Dyal. The motion carried. (SEE ADDENDUM)

Councilman Dyal moved to approve an Agreement between the Town of LaGrange and 1100 Route 55, LLC. Councilman Polhemus seconded the motion. The motion carried. (SEE ADDENDUM)

Councilman Bell moved to adopt a Resolution Authorizing Payment to the State for the Requested Work. Councilman Dyal seconded the motion. The motion carried. (SEE ADDENDUM)

Councilman Jessup returned to his seat at this time.

Supervisor Luna asked for a motion to accept the monthly reports for February 2013. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Councilman Dyal left the meeting for a few minutes at this time.

• Building, Zoning, Public Works & Planning	Total \$9,910.00
• Highway Department	Total \$600.00
• Justice Egitto (incl. State Share)	Total \$23,577.00
• Justice O'Hare (incl. State Share)	Total \$22,765.00
• Recreation	Total \$3,670.00
• Town Clerk	Total \$1,297.66

### **Correspondence**

Information relating to Cablevision and Time Warner Cable will be available in the Clerk's office for one week.

### **Agenda Items**

Supervisor Luna asked for a motion to adopt a Resolution for the Relocation of Stringham Road. (SEE ADDENDUM)

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

Councilman Dyal returned to his seat at this time.

Councilman Jessup offered an oral Resolution affirming the Town Board's opposition to the Anti-Second Amendment Law signed by Governor Cuomo. Councilman Polhemus seconded the motion and it carried unanimously.

### **Committee Reports**

#### **Water and Sewer**

No report

#### **Recreation**

No report

#### **Open Space**

Mr. Jessup stated that he wished to thank the Open Space Committee for all of their hard work on the Slight Farm property purchase; going back to some of the first members which included

Donna Shea and Gary Polhemus. He added that the Committee members have been diligent and hard working.

**Highway**  
No report

**Town Board Comments**

Councilman Polhemus stated that he would like to see a budget report presented monthly to the the Board. Councilman Dyal agreed.

Councilman Jessup proposed a quarterly report.  
A discussion followed.

Supervisor Luna stated that the Comptroller has been working diligently to have her report to the State filed on time. Once she has done this, she will be able to prepare budget reports for the Board.

The Board agreed to have the report presented every other month.

**Town Attorney**

Mr. Blass stated that the tentative closing for the purchase of the Sleight Farm Conservation Easement is April 10, 2013.

**Public Comment**

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

Len Polhemus addressed the Board. He congratulated the Board on passing the Resolution opposing the Anti - Second Amendment Law. Mr. Polhemus went on to state his dissatisfaction with the direction the Country is headed. He further expressed his opposition to the Library becoming a special district or spending money for a new building.

Lou Retzger addressed the Board. He thanked the Board for passing the Resolution opposing the Anti - Second Amendment Law. Mr. Retzger, a retired NYS Senior Investigator, added that the law has made weapons illegal that don't actually fall into the category of an assault weapon.

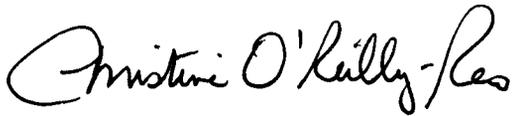
Mr. Luna agreed with his assessment, as did several other Board and audience members.

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

Councilman Jessup moved to adjourn the meeting, seconded by Councilman Bell. The motion carried.

The meeting adjourned at 7:45 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao  
Town Clerk

#### **ADDENDUM**

- Affidavit of Publication: Public Hearing Sewer Collection Improvement
- Affidavit of Posting: Public Hearing Sewer Collection Improvement
- EAF: NYS DOT Route 55 Project – Sewer Line Collection Improvement
- Resolution of NYS DOT Route 55 Project – Sewer Line Collection Improvement
- Resolution Authorizing Payment: NYS DOT Route 55 Project – Sewer Line Collection Improvement
- Bond Resolution: NYS DOT Route 55 Project – Sewer Line Collection Improvement
- Notice of Estoppel: Sewer Line Collection Bond
- Affidavit of Publication: Public Hearing Water Line Improvement
- Affidavit of Posting: Public Hearing Water Line Improvement
- EAF: NYS DOT Route 55 Project - Water Line Improvement
- Resolution of Adoption: NYS DOT Route 55 Project – Water Line Improvement
- Agreement: Town of LaGrange and 1100 Route 55, LLC
- Resolution Authorizing Payment: NYS DOT Route 55 Project – Water Line Improvement
- Resolution: Relocation of Stringham Road

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie,  
Dutchess County, New York, being duly sworn, says  
that at the several times hereinafter mentioned he/she  
was and still is the Principle Clerk of the Poughkeepsie  
Newspapers Division of Gannett Satellite Information  
Network, Inc., publisher of the Poughkeepsie Journal, a  
newspaper published every day in the year 2013 in the  
city of Poughkeepsie, Dutchess County, New York, and  
that the annexed Notice was duly published in the said  
newspaper for one insertion  
successively, in each week, commencing on the 3rd  
day of Mar. in the year of 2013 and  
on the following dates thereafter, namely on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in  
the year of 2013, both days inclusive.

Rita Lombardi  
Subscribed and sworn to before me this 27th day  
of March in the year of 2013.

Rose Ann Simpson  
Notary Public

My commission expires 1/4/2014

ROSE ANN SIMPSON  
Notary Public, State of New York  
No. 01SI6215893  
Qualified in Dutchess County  
Commission Expires January 4, 2014

### NOTICE OF PUBLIC HEARING

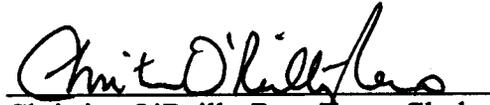
**TAKE NOTICE**, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at 24 Fireman's Way, Poughkeepsie, New York on March 13, 2013 at 7:00 p.m., prevailing time, for the purpose of conducting a public hearing relating to a New York State Department of Transportation plan and cost estimate (submitted with soft costs

for legal and engineering, and contingency, added, by report of Clark Patterson Lee dated February 26, 2013 on file with the Town Clerk) for an expenditure by the Town not to exceed \$50,000.00, including soft costs, for a public betterment consisting of a sewer collection line crossing of Route 55 as part of a reconstruction of that State highway, at which time and place said Town Board will hear all persons interested in the subject thereof and concerning the same.  
DATED: LaGrangeville, New York  
February 27, 2013

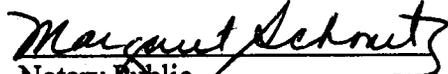
Christine O'Reilly-Rao  
Town Clerk 2614

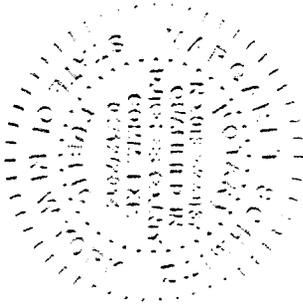
STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF DUTCHESS        )

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 28th day of February, 2013, I duly caused a copy of the attached Notice of Public Hearing for a sewage collection line across the right of way of Route 55 to be conspicuously posted on the sign-board maintained by the Clerk's Office at 24 Firemen's Way in the Town of Lagrange.

  
Christine O'Reilly-Rao, Town Clerk

Sworn to before me this  
4<sup>th</sup> Day of March, 2013

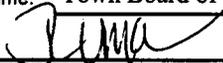
  
Notary Public



MARGARET SCHMITZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SC6220139  
Qualified in Dutchess County  
My Commission Expires April 12, 2014

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Town of LaGrange, New York	2. PROJECT NAME Town Law 202-f sewer line improvement at Freedom Plains
3. PROJECT LOCATION: Municipality <u>Town of LaGrange</u> County <u>Dutchess</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>Route 55 in Freedom Plains</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Authorization for the installation of a sewer line for future use as a public betterment forming a part of NYSDOT's improvements to Route 55.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres    Ultimately <u>0</u> acres    (part of NYSDOT disturbance)	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            If Yes, list agency(s) name and permit/approvals: <u>Public betterment is a component of NYSDOT improvements to Route 55</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            If Yes, list agency(s) name and permit/approvals: <u>Permits obtained by NYSDOT for the highway improvement project</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Town Board of the Town of LaGrange</u> Date: <u>3/13/2013</u> Signature: <u></u> , Supervisor	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?  Yes  No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
none

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
none

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
none

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
none

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
none

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
none

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
none

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination

Town Board, Town of LaGrange 3/13/2013

\_\_\_\_\_  
Name of Lead Agency \_\_\_\_\_  
Date

Joseph J. Luna Supervisor *J. Luna*

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency \_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency \_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

**Reset**

RESOLUTION OF APPROVAL OF  
SEWER COLLECTION IMPROVEMENT  
UNDER TOWN LAW, SECTION 202-f

Councilman Jessup introduced the following resolution which was seconded by Councilman Bell

WHEREAS, the New York State Department of Transportation ("NYSDOT") is currently engaged in a project to reconstruct portions of New York State Route 55 in the Freedom Plains section of the Town of LaGrange, more particularly project PIN 8391.40 S.H. 8364, County of Dutchess; and

WHEREAS, the Town currently maintains existing sewer improvement districts; and

WHEREAS, the Town of LaGrange wishes to have installed, as a public betterment, a sewage collection line across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway; and

WHEREAS, the Town has obtained a plan of the proposed improvement, and an estimate of the cost thereof, in the context of design plans and specifications prepared by the NYSDOT, and said plans and estimated cost of the improvements have been reviewed and accepted in writing by the engineering firm of Clark Patterson Lee, as engineers to the Town of LaGrange, by correspondence dated February 25, 2013, with the inclusion of contingency and soft cost items bringing the maximum amount to be expended to \$59,900 (the "CPL Report"); and

WHEREAS, based upon the aforesaid plan and estimate of costs, the Town Board conducted a public hearing for the proposed sewer line improvement on March 13, 2013, pursuant to Section 202-f of the Town Law of this State; and

WHEREAS, the Town Board determines, after such public hearing and upon the evidence given thereat, that it is in the public interest to have constructed at Town expense the sewer collection improvement as a public betterment as part of the NYSDOT project at a maximum cost of \$59,900.

NOW, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board, after public hearing, finds that it is in the public interest, on behalf of future sewer districts or extensions, to have installed at the maximum cost of \$59,900 as a public betterment the sewer collection line as described in the CPL Report across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway, and in accordance with plans and specification prepared for this purpose by the NYSDOT.
2. Subject to remaining below the aforesaid maximum amount to be expended, the Town Board subscribes to the definite plans and specifications prepared, or to be prepared, for the sewer collection improvement by the NYSDOT for this public betterment, relies on such NYSDOT plans and specifications as the equivalent of consent by its Commissioner to such sewer line improvements, and authorizes the town engineer and town attorney to prepare

with the NYSDOT such contracts as are necessary to install or construct this public betterment.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: LaGrangeville, New York  
March 13, 2013

  
\_\_\_\_\_  
Christine O'Reilly-Rao  
Town Clerk

RESOLUTION BY TOWN BOARD  
TOWN OF LAGRANGE  
DUTCHESS COUNTY  
AUTHORIZING PAYMENT TO THE STATE FOR REQUESTED WORK

Councilman Bell, offered the following resolution which was seconded by Councilman Dyal

WHEREAS, in connection with Capital Project Identification Number 8391.40, for the construction of ROUTE 55 and Stringham Road, Dutchess County, the TOWN OF LAGRANGE by Resolution adopted July 18, 2012, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate proposed SEWER LINES in the contract for the construction of ROUTE 55 and Stringham Road, with the cost of said SEWER LINES and necessary work in connection therewith to be borne by the TOWN OF LAGRANGE, and

WHEREAS, the Town Board desires construction of sewer manholes and an 8 inch PVC sewer collection main crossing Freedom Plains Road (Route 55) west of the Dr. Fink Road intersection, ("SEWER LINE") the Town share of which based on the "additional cost" method is estimated to cost \$39,000, be constructed at the sole expense of the TOWN OF LAGRANGE, in connection with the above mentioned State contract, as set forth in the plans for said project.

NOW, THEREFORE, it is

RESOLVED, that pursuant to subdivision 27 of Section 10 of the Highway Law, the sum of \$39,000 is hereby appropriated to cover the cost of the said SEWER LINE, and the Town Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within 7 days of approval and filing of an Utility Work Agreement with the State Comptroller, and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said SEWER LINE, in the TOWN OF LAGRANGE, the Commissioner of Transportation of the State of New York shall transmit to this Town Board a statement showing the actual costs and expenses of such work and shall notify the Town Treasurer of the amount due from or to be

returned to the Town, as the case may be, and that any sum due the State of New York shall be paid by the TOWN OF LAGRANGE within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

FURTHER RESOLVED, that the TOWN OF LAGRANGE will maintain said SEWER LINE after construction thereof as set forth above and will make ample provision each year for such maintenance, and

BE IT FURTHER RESOLVED, that the Clerk of this Town Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

Supervisor Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: LaGrangeville, New York  
March 13, 2013

  
\_\_\_\_\_  
CHRISTINE O'REILLY-RAO, TOWN CLERK

## BOND RESOLUTION

At a regular meeting of the Town Board of the Town of LaGrange, Dutchess County, New York, held at the Town Hall, in LaGrangeville, New York, in said Town, on the 13<sup>th</sup> day of March, 2013, at 8:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Luna, and upon roll being called, the following were

PRESENT:

Supervisor Luna

Councilman Jessup

Councilman Polhemus

Councilman Dyal

Councilman Bell

The following resolution was offered by Councilman Jessup, who moved its adoption, seconded by Councilman Bell, to-wit:

BOND RESOLUTION DATED MARCH 13, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$59,900 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF INSTALLATION OF A SEWER COLLECTION LINE WITHIN THE ROUTE 55 RIGHT OF WAY IN SUCH TOWN

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of LaGrange, Dutchess County, New York, as follows:

Section 1. The installation of a sewer collection line within the Route 55 right of way at a maximum estimated cost of \$59,900 is hereby authorized in and for the Town of LaGrange, Dutchess County, New York.

Section 2. The class of objects or purposes described in Section 1 above has a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law;

Section 3. The total maximum estimated cost of the aforesaid objects or purposes is \$59,900, and the plan for the financing thereof is by the issuance of \$59,900 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 4. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 5. The faith and credit of said Town of LaGrange, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds

becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

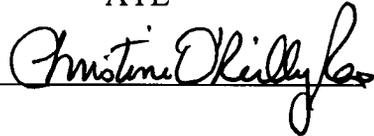
Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

The resolution was thereupon declared duly adopted.



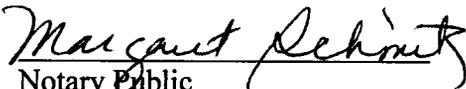


STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF DUTCHESS        )

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 28th day of February, 2013, I duly caused a copy of the attached Notice of Public Hearing for a water distribution line across the right of way of Route 55 to be conspicuously posted on the sign-board maintained by the Clerk's Office at 24 Firemen's Way in the Town of Lagrange.

  
Christine O'Reilly-Rao Town Clerk

Sworn to before me this  
4<sup>th</sup> Day of March, 2013

  
Notary Public

MARGARET SCHMITZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SC6220139  
Qualified in Dutchess County  
My Commission Expires April 12, 2014

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 13, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of LaGrange, Dutchess County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of twenty days from the date of publication of this Notice.

Dated: LaGrangeville, New York  
March 13, 2013

  
Christine O'Reilly-Rap,  
Town Clerk

**BOND RESOLUTION DATED MARCH 13, 2013**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$59,900 SERIAL BONDS OF  
THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE  
COST OF INSTALLATION OF A SEWER COLLECTION LINE WITHIN THE ROUTE  
55 RIGHT OF WAY IN SUCH TOWN**

Class of objects or purposes: installation of sewer  
collection line within Route 55 right of way  
Maximum estimated cost: \$59,900  
Period of probable usefulness: forty years  
Maturity of obligations: Five years  
Amount of obligations to be issued: \$59,900 bonds

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

### LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 13, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for any object or purpose for which the Town of LaGrange, Dutchess County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of twenty days from the date of publication of this Notice.

Dated: LaGrangeville,  
New York  
March 13, 2013

Christine  
O'Reilly-Rao, Town  
Clerk

**RESOLUTION  
DATED MARCH 13, 2013  
A RESOLUTION AUTHORIZING THE ISSUANCE OF \$20,000 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF INSTALLATION OF A SEWER COLLECTION LINE WITHIN THE ROUTE 55 RIGHT OF WAY IN SUCH TOWN**

Class of objects or purposes: installation of sewer collection line within Route 55 right of way

Maximum estimated cost: \$20,000

Period of probable usefulness: forty years

Maturity of obligations: five years

Amount of obligations to be bonded: \$20,000

6812

Rita Lombardi, \_\_\_\_\_ of the City of Poughkeepsie, Dutchess County, New York, being duly sworn, says that at the several times hereinafter mentioned he/she was and still is the Principle Clerk of the Poughkeepsie Newspapers Division of Gannett Satellite Information Network, Inc., publisher of the Poughkeepsie Journal, a newspaper published every day in the year 2013 in the city of Poughkeepsie, Dutchess County, New York, and that the annexed Notice was duly published in the said newspaper for one insertion successively, in each week, commencing on the 16th day of Mar. in the year of 2013 and on the following dates thereafter, namely on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2013, both days inclusive.

*Rita Lombardi*

Subscribed and sworn to before me this 19th day of March in the year of 2013.

*Rose Ann Simpson*

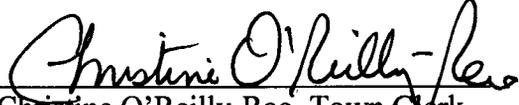
Notary Public

My commission expires 1/4/2014

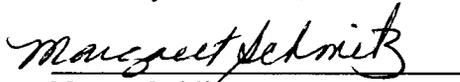
ROSE ANN SIMPSON  
Notary Public, State of New York  
No. 01SI6215893  
Qualified in Dutchess County  
Commission Expires January 4, 2014

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF DUTCHESS        )

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 14<sup>th</sup> day of March, 2013, I duly caused a copy of the Legal Notice of Estoppel for a BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$59,900.00 SERIAL BONDS to pay the cost of installation of a sewer collection line within the Route 55 right of way in the Town of LaGrange to be conspicuously posted on the sign-board maintained by the Clerk's Office at 24 Firemen's Way in the Town of Lagrange.

  
Christine O'Reilly-Rao, Town Clerk

Sworn to before me this  
14th Day of March, 2013

  
Notary Public

MARGARET SCHMITZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SC6220139  
Qualified in Dutchess County  
My Commission Expires April 12, 2014

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

Rita Lombardi, \_\_\_\_\_ of the City of Poughkeepsie, Dutchess County, New York, being duly sworn, says that at the several times hereinafter mentioned he/she was and still is the Principle Clerk of the Poughkeepsie Newspapers Division of Gannett Satellite Information Network, Inc., publisher of the Poughkeepsie Journal, a newspaper published every day in the year 2013 in the city of Poughkeepsie, Dutchess County, New York, and that the annexed Notice was duly published in the said newspaper for one insertion successively, in each week, commencing on the 3rd day of Mar. in the year of 2013 and on the following dates thereafter, namely on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2013, both days inclusive.

*Rita Lombardi*  
Subscribed and sworn to before me this 4th day of March in the year of 2013.

*Rose Ann Simpson*  
\_\_\_\_\_  
Notary Public

My commission expires 1/4/2014

ROSE ANN SIMPSON  
Notary Public, State of New York  
No. 01S16215893  
Qualified in Dutchess County  
Commission Expires January 4, 2014

### NOTICE OF PUBLIC HEARING

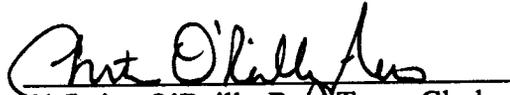
TAKE NOTICE, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at the temporary Town Offices, 24 Fireman's Way, Poughkeepsie, New York on March 13, 2013 at 7:00 p.m., prevailing time, for the purpose of conducting a public hearing relating to a New York State Department of Transportation plan and cost estimate (confirmed, with soft costs for legal and engineering, and contingency, added, by report of Clark Patterson Lee dated February 26, 2013 and on file with the Town Clerk) for an expenditure by the Town not to exceed \$117,000, including contingency and soft costs, for a public betterment consisting of a water distribution line crossing Route 55 as part of a reconstruction of that State highway in the Freedom Plains section of the Town, and upon condition that the expenditure be the subject of a binding and collateralized obligation on the part of BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550 to defray timely and in full all costs of the water line improvements levied by the NYSDOT upon the Town for this public betterment, at which time and place said Town Board will hear all persons interested in the subject thereof and concerning the same.

DATED: LaGrangeville, New York  
February 27, 2013

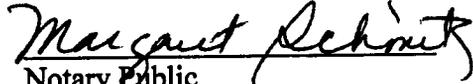
Christine O'Reilly-Roe  
Town Clerk  
2615

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF DUTCHESS )

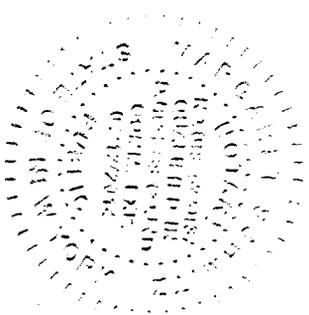
I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 28th day of February, 2013, I duly caused a copy of the attached Notice of Public Hearing for a water distribution line across the right of way of Route 55 to be conspicuously posted on the sign-board maintained by the Clerk's Office at 24 Firemen's Way in the Town of Lagrange.

  
Christine O'Reilly-Rao, Town Clerk

Sworn to before me this  
4<sup>th</sup> Day of March, 2013

  
Notary Public

MARGARET SCHMITZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SC6220139  
Qualified in Dutchess County  
My Commission Expires April 12, 2014



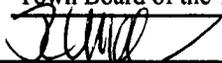
## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Town of LaGrange, New York	2. PROJECT NAME Town Law 202-f water line improvement at Freedom Plains
3. PROJECT LOCATION: Municipality Town of LaGrange County Dutchess	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Route 55 and Freedom Road	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Authorization for the installation of a water line for future use as a public betterment forming a part of NYSDOT's improvements to Route 55.	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres    Ultimately <u>0</u> acres (part of NYSDOT disturbance)	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: Public betterment is a component of NYSDOT improvements to Route 55	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: Permits obtained by NYSDOT for the highway improvement project	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Town Board of the Town of LaGrange</u> Date: <u>3/13/2013</u> Signature: <u></u> , Supervisor	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 none

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 none

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 none

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 none

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 none

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 none

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 none

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Board, Town of LaGrange  
 \_\_\_\_\_  
 Name of Lead Agency

Joseph J. Luna  
 \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

3/13/2013  
 \_\_\_\_\_  
 Date

Supervisor *J. Luna*  
 \_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)



RESOLUTION OF APPROVAL OF  
WATERLINE PER  
TOWN LAW 202-f

Councilman Polhemus introduced the following resolution which was seconded by Councilman Dyal;

WHEREAS, the New York State Department of Transportation ("NYSDOT") is currently engaged in a project to reconstruct portions of New York State Route 55 in the Freedom Plains section of the Town of LaGrange, more particularly project PIN 8391.40 S.H. 8364, County of Dutchess; and

WHEREAS, the Town currently maintains existing water improvement districts and water improvement areas; and

WHEREAS, the Town of LaGrange wishes to have installed, as a public betterment, a water distribution line across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway; and

WHEREAS, the Town has obtained a plan of the proposed water line improvements, and an estimate of the cost thereof, in the context of design plans and specifications prepared by the NYSDOT, and said plans and estimated maximum cost of the water line improvements have been reviewed and accepted in writing by the engineering firm of Clark Patterson Lee, as engineers to the Town of LaGrange, by correspondence dated February 26, 2013, with the inclusion of contingency and soft cost items bringing the maximum amount to be expended to \$117,000 (the "CPL Report"); and

WHEREAS, based upon the aforesaid plan and estimate of costs, the Town Board conducted a public hearing for the proposed water line improvements on March 13, 2013; and

WHEREAS, the Town Board determines, after such public hearing and upon the evidence given thereat, that it is in the public interest to have constructed the water line improvements as a public betterment as part of the NYSDOT project at a maximum cost of \$117,000, subject to a binding and collateralized obligation on the part of the private sector participants BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550, whose real properties in the Town lie to the south of Route 55 and will be principally benefitted, to defray timely and in full all costs of the water line improvements.

NOW, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board, after public hearing, finds that it is in the public interest, on behalf of future water districts or extensions, to have installed at the maximum cost of \$117,000 as a public betterment the water distribution line as described in the CPL Report across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway, and in accordance with plans and specification prepared for this purpose by the NYSDOT, upon condition of a binding and collateralized obligation suitable to the Town Board on the part of BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550 to defray timely and in full all costs of the water line improvements.

2. Subject to remaining below the aforesaid maximum amount to be expended and subject to the condition of all costs being defrayed by BRH Land, LLC and/or 1100 Route 55, LLC, the Town Board subscribes to the definite plans and specifications prepared, or to be prepared, for the water line improvement by the NYSDOT for this public betterment, relies on such NYSDOT plans and specifications as the equivalent of consent by its Commissioner to such water line improvements, and authorizes the town engineer and town attorney to prepare with the NYSDOT such contracts as are necessary to install or construct this public betterment.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Luna	AYE
Councilman Jessup	ABSENT
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: LaGrangeville, New York  
MARCH 13, 2013

  
Christine O'Reilly-Rao  
Town Clerk

## AGREEMENT

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, between the Town of LaGrange, a municipal corporation with its principal offices at Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 (hereinafter "Town") and BRH Land, LLC and 1100 Route 55, LLC, both domestic corporations with principal address at 6 Old North Plank Road, Newburgh, New York, 12550 (hereinafter "Owners").

WHEREAS, the New York State Department of Transportation ("NYSDOT") is currently engaged in a project to reconstruct portions of New York State Route 55 in the Freedom Plains section of the Town of LaGrange, more particularly Project PIN 8391.40 S.H. 8364, County of Dutchess; and

WHEREAS, in order to advance the potential of future public water service to, and land development of, real property of the Owners along or to the south of Route 55 in the Town, the Town of LaGrange is willing to induce the NYSDOT to install, as a public betterment component of the state highway improvement project, the water distribution line improvements and related fixtures (the "Water Line") more particularly described within a plan and report of Clark Patterson Lee, dated February 26, 2013 (the "CPL Report") which is incorporated herein by reference, and

WHEREAS, the real property of the Owners benefited by this

Agreement (the "Real Properties") are identified as follows:

TOWN OF LAGRANGE, DUTCHESS COUNTY, STATE OF NEW YORK  
TAX PARCEL ID NUMBERS

6460-01-250688;

6460-01-422782;

6460-02-553816;

6460-01-494643

WHEREAS, in order to induce the Town for the benefit of the Owners to authorize the installation of the water distribution line improvements by the NYSDOT, Owners herein and hereby commit to defray timely and in full the costs to be levied by the NYSDOT against the Town for the Water Line, as well as payment by the Town to its engineering and legal consultants, including but not limited to payment to Clark Patterson Lee for the costs of inspection of the construction of the Water Line, for services rendered in furtherance of the making and the carrying out of the purposes of this Agreement; and

WHEREAS, the purpose of this Agreement is to establish and to secure performance of the obligation of the Owners to defray timely and in full the costs to be levied by the NYSDOT against the Town for the Water Line, as well to defray payment by the Town to its engineering and legal consultants, including but not limited to payment to Clark Patterson Lee for the costs of inspection of the construction of the Water Line, for services

rendered in furtherance of the making and the carrying out of the purposes of this Agreement.

NOW IT IS HEREBY AGREED as follows for mutual good and valuable consideration:

1. The Town will institute proceedings under Section 202-f of the Town Law to authorize the construction and installation by the NYSDOT of the Water Line as a public betterment component of the aforesaid NYSDOT state highway improvement project, but conditioned upon Owner's defrayment of all costs to be levied by the NYSDOT against the Town for the public betterment, as well as defrayment of payment by the Town to its engineering and legal consultants, including but not limited to payment to Clark Patterson Lee for the costs of inspection of the construction of the Water Line, for services rendered in furtherance of the making and the carrying out of the purposes of this Agreement.

2. Owners shall defray all costs to be levied by the NYSDOT against the Town for the Water Line, as well defray payment by the Town to its engineering and legal consultants, including but not limited to payment to Clark Patterson Lee for the costs of inspection of the construction of the Water Line, for services rendered in furtherance of the making and the carrying out of the purposes of this Agreement.

3. Upon the making of this Agreement, Owners shall deposit with the Town the cash sum of \$97,000.00 which shall be held by the Town in escrow. Disbursements from the escrow fund shall be for the purposes of timely payment by the Town to the NYSDOT of the NYSDOT's required funding of the construction of

the Water Line as a public betterment. The Town shall consider partial return of funds from the escrow to the Owners after the NYSDOT's award of public bids for the Route 55 Project to the extent that the Town concludes that it is over-secured based on the outcome of the public bidding and award process. Owners shall defray, without advance deposit under this Agreement, obligations of the Town to its engineering and legal consultants, including but not limited to Clark Patterson Lee for the costs of inspection of the construction of the Water Line, for services rendered in furtherance to the making and the carrying out of the subject of this Agreement. Payment for all current legal and engineering consultant costs incurred the Town through the making of this Agreement, and through the completion of authorizations by the Town for the NYSDOT to proceed with the public betterment, shall be made by Owners to the Town within 15 days of receipt of copies of the Town's consultant's invoices for such services. Payment for future inspection services by the Town's engineering consultants shall be promptly defrayed by Owners by future funding of an advance escrow in a reasonable sum to be determined by the Town.

4. The amount of escrow deposit established within Paragraph "3" of this Agreement is based upon funding requirements established by estimates and projections of the NYSDOT at \$84,000, plus an added contingency of \$13,000. In the event that the Town receives a return of funds from the NYSDOT due to excess payment by the Town relative to cost of NYSDOT's construction of the Water Line as a public betterment, the Town shall promptly remit the returned funds to the Owners together with any unapplied contingency. In the event that the Town is charged by the NYSDOT more than the escrow deposit established within Paragraph "3" of this Agreement, then the excess costs

shall be the responsibility of Owners which shall timely and promptly cover the excess costs by payment to the Town to be made not less than 10 days after demand by the Town to be accompanied by the statement of the excess costs issued by the NYSDOT to the Town.

5. The obligation of Owners to the Town under this Agreement shall be joint and several.

6. In the event that Owners fail to fulfill their obligation to pay the Town any excess construction costs arising under this Agreement or other payment obligations established under this Agreement, the Town shall be entitled to recover, in addition to its damages, all reasonable and necessary costs including attorney's fees expended by the Town.

7. This Agreement is intended to benefit and to bind Owners and any subsequent owners of the Real Properties or any portion of the Real Properties. This Agreement is binding upon the heirs, successors and assigns of Owners, and it shall run with the land comprising the Real Properties, and the parties shall record this Agreement or a Memorandum of this Agreement with the Clerk of Dutchess County, indexed to the Real Properties.

8. Miscellaneous Matters.

a. Nothing in this Agreement, express or implied, is intended to confer upon any third-party any rights

or remedies under or by reason of this Agreement. Each party represents that it is entering into this transaction as principal for its own account and not as an agent for any other party.

b. This Agreement is deemed to be a contract entered into and shall be interpreted under the laws of the State of New York.

c. Each party will, at any time and from time to time, at the request of any other party, make, execute, acknowledge and deliver, or cause to be done, all such further acts, deeds or other documents as may reasonably be necessary or appropriate to complete the transactions contemplated by this Agreement.

d. This Agreement, together with the terms and conditions in effect from time to time, constitutes the entire agreement of the parties as to the subject matter hereof, and may not be amended or modified except by a written document signed by both parties and stating that it is intended to amend this Agreement.

e. Each party represents to the other party that it has the power and authority to execute, deliver and perform this Agreement, that all actions necessary to authorize the execution, delivery and performance of this Agreement have been duly taken, that it has duly executed and delivered this Agreement and that this Agreement is legal, valid and binding on it, and enforceable against it, in accordance with its terms.

f. This Agreement and the right, duties and obligations contained herein shall be solely for the benefit of the parties hereto and future grantees of the Real Properties..

g. The parties agree that the New York State Supreme Court, Dutchess County, New York shall have exclusive jurisdiction of any disputes arising therefrom, and that all disputes shall be tried before the Court without a jury.

h. All notices and written communications between the parties concerning this Agreement, except the Town's invoices and Owner's remittances, shall be deemed to have been delivered upon receipt or refusal of delivery to the following addresses:

If to the Town:

Supervisor  
Town of LaGrange  
Town Hall  
120 Stringham Road  
LaGrangeville, New York 12540

If to Owners:

c/o Steven E. Rieger  
6 Old North Plank Road,  
Newburgh, New York, 12550

Either party may change the address to which notice is to be sent by like notice. In the event of transfer by Owners of any of the Real Properties, Owners shall notify the Town of such transfer within ten days of the transfer and supply the Town with the name and mailing address of any transferee.

i. If any provision, clause or part of this Agreement or the application thereof under certain circumstances is held invalid, the remainder of this Agreement, or the application of each provision, clause or part under other circumstances, shall not be adversely affected thereby.

j. The failure of the Town or Owners to insist, in any one or more instances, upon performance of any of the terms or conditions of this Agreement, shall not be construed as a waiver or relinquishment of any rights or benefits granted



STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

On \_\_\_\_\_, 2013, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

On \_\_\_\_\_, 2013, before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

RECORD AND RETURN TO  
Van DeWater & Van DeWater, LLP  
ATTN: Ronald C. Blass, Jr.  
P O Box 112  
Poughkeepsie, NY 12602

RESOLUTION#2013-03-13D

RESOLUTION BY TOWN BOARD  
TOWN OF LAGRANGE  
DUTCHESS COUNTY  
AUTHORIZING PAYMENT TO THE STATE FOR REQUESTED WORK

Councilman Bell offered the following resolution which was seconded by Councilman Dyal;

WHEREAS, in connection with Capital Project Identification Number 8391.40, for the construction of ROUTE 55 and Stringham Road, Dutchess County, the TOWN OF LAGRANGE by Resolution, adopted July 18, 2012, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate WATER LINES in the contract for the construction of ROUTE 55 and Stringham Road, with the cost of said WATER LINES and necessary work in connection therewith to be borne by the TOWN OF LAGRANGE, and

WHEREAS, the Town Board desires the construction of a 12 inch ductile iron water main crossing of Freedom Plains Road (Route 55) at the intersection of Freedom Road (CP47) and interconnection with existing water mains owned/operated by the Town of LaGrange ("WATER LINE"), and the Town share of which based on the "additional cost" method is estimated to cost \$84,000, be constructed at the sole expense of the TOWN OF LAGRANGE, in connection with the above mentioned State contract, as set forth in the plans for said project.

NOW, THEREFORE, it is

RESOLVED, that pursuant to subdivision 27 of Section 10 of the Highway Law, the sum of \$84,000 is hereby appropriated to cover the cost of the said WATER LINE, and the Town Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within 7 days of approval and filing of an Utility Work Agreement with the State Comptroller, and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of the said WATER LINE, in the TOWN OF LAGRANGE, the Commissioner of Transportation of the State of New York shall

transmit to this Town Board a statement showing the actual costs and expenses of such work and shall notify the Town Treasurer of the amount due from or to be returned to the Town, as the case may be, and that any sum due the State of New York shall be paid by the TOWN OF LAGRANGE within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

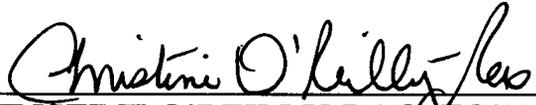
FURTHER RESOLVED, that the TOWN OF LAGRANGE will maintain said WATER LINE after construction thereof as set forth above and will make ample provision each year for such maintenance, and

BE IT FURTHER RESOLVED, that the Clerk of this Town Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

Supervisor Luna	AYE
Councilman Jessup	ABSENT
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: LaGrangeville, New York  
March 13, 2013

  
\_\_\_\_\_  
CHRISTINE O'REILLY-RAO, TOWN CLERK

RESOLUTION BY TOWN BOARD  
TOWN OF LAGRANGE  
DUTCHESS COUNTY  
RELOCATION OF STRINGHAM ROAD

AGREEMENT BY THE TOWN OF LAGRANGE TO TAKE TITLE TO AND MAINTAIN A PORTION OF THE STRINGHAM ROAD FROM STATION SR 29+70± TO STATION SR 11+08± INCLUDING CONNECTION FROM EXISTING STRINGHAM RD TO NEW ROADWAY STATION SRX 10+00± TO SRX 12+09± DESIGNATED AS NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROJECT 8391.40

Councilman Jessup introduced the following resolution which was seconded by Councilman Polhemus;

WHEREAS, in connection with Capital Project Identification Number 8391.40, for the reconstruction of ROUTE 55, Dutchess County, and under the provisions of Subdivision 25 of Section 10 of the New York Highway Law as amended, which provides in part, that the Commissioner of the New York State Department of Transportation shall "Have power to combine, connect, alter, relocate, terminate and pave intersecting highways, roads or streets" and, also, that "The maintenance of any highway, road or street which is affected by this subdivision and which, in the judgment of the Commissioner, is not deemed to be a part of the State Highway system, shall be maintained by the municipality or the municipalities in which the road is located, and

WHEREAS, the Commissioner proposes to improve State Highway Route 55, Dutchess County, and in connection therewith to relocate Stringham Road, 0.39± miles to the west of the existing Stringham Road, between stations SR 11+08± and SR 29+70±, including connection from existing road to the new Stringham road from station SRX 10+00± to SRX 12+09±, and

WHEREAS, said roadway are to be located with the Town of LaGrange and in the judgment of the Commissioner of the Department of Transportation, will not be deemed to be part of the State Highway System,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of LaGrange approves the above described relocation, and

BE IT FURTHER RESOLVED, upon completion of construction of the above described relocation, the Town of LaGrange shall maintain such roadway and guarantee the maintenance of such roadway and will pay the cost of such maintenance and will maintain the project in accordance with the State Highway Law, and will make ample provisions as necessary for such maintenance. Maintenance responsibility will commence upon the conveyance of such roadway to the Town of LaGrange. Maintenance will include snow removal including at the cul-de-sac at Sta. SE 23+95± to Sta. SE 26+08±; as part of the Town's separate undertaking to maintain sidewalks and medians at Route 55, the Town will include snow removal of median sidewalk (crosswalk opening in median).

BE IT FURTHER RESOLVED, that the State has acquired property for the construction and maintenance of said roadway, and the Town of LaGrange agrees to accept and take title to any and all permanent property rights so acquired, as depicted on the plans, which form a part of the completed project, and

BE IT FURTHERED RESOLVED, that the LaGrange Town Clerk is hereby directed to transmit five (5) copies of the foregoing resolution to the State Department of Transportation.

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

Supervisor Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	ABSENT
Councilman Bell	AYE

DATED: LaGrangeville, New York  
March 13, 2013

  
CHRISTINE O'REILLY-RAO, TOWN CLERK

