

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

**TOWN BOARD MEETING
June 12, 2013**

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

A regular meeting of the Town Board was held on Wednesday, June 12, 2013, at 120 Stringham Road, 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 May 22, 2013. Councilman Jessup so moved, seconded by Councilman Bell. The motion carried unanimously.

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

- | | |
|---|-------------------|
| • Building, Zoning, Public Works & Planning | Total \$14,675.00 |
| • Highway Department | Total \$600.00 |
| • Justice Egitto (incl. State Share) | Total \$21,710.00 |
| • Justice O'Hare (incl. State Share) | Total \$22,935.00 |
| • Recreation | Total \$17,597.00 |
| • Town Clerk | Total \$1,046.15 |

AGENDA

Mr. Luna asked for a motion to set a Public Hearing to amend Zoning Chapter 240 §27 to allow restaurant use in the C-2 District. (SEE ADDENDUM)

Councilman Jessup moved to set the Public Hearing for July 10, 2013, seconded by Councilman Bell. The motion carried unanimously.

Supervisor Luna introduced a resolution to amend Zoning Chapter 240 §22 changing the designation of parcel number 134000-6360-01-118812 from the PO District to the R-40/60/80 District. Mr. Luna moved to set the Public Hearing for July 10, 2013, seconded by Councilman Bell. The motion carried. (SEE ADDENDUM)

Supervisor Luna introduced a resolution to amend Zoning Chapter 240 §22 changing the designation of parcel number 13340-6560-02-601974 from the R-120 District to the C-2 District. Mr. Luna moved to set the Public Hearing for July 10, 2013, seconded by Councilman Jessup. The motion carried. (SEE ADDENDUM)

Mr. Luna stated that the re-designation is necessary since the parcel is surrounded by commercial properties.

Mr. Luna asked for a motion to settle a Tax Certiorari for 41 Stringham Road grid# 6560-03-425347. The total refund amount for 2006 through 2012 will be \$1,964.60. Councilman Polhemus so moved, seconded by Councilman Jessup. The motion carried unanimously.

Supervisor Luna asked the Board to approve some additional work in the Town Hall rest rooms. In replacing the fixtures, mold was found behind the walls. New walls and tiles will be have to be installed.

Councilman Polhemus asked about the estimated cost.

Mr. Luna relied that most of the work is being done in house, so the cost is basically for materials.

Councilman Jessup, seconded by Councilman Bell moved to approve the work. The motion carried.

Ms. Livigni stated that remediation updates on the Getty gas station spill will be posted on the Town website as information becomes available.

Mr. Luna asked for a motion to declare five window air conditioners as surplus. Councilman Polhemus moved to do so on the condition that they are offered to Town employees first.

Councilman Bell seconded the motion and it carried unanimously.

Mr. Luna asked for a motion to declare the old phones as surplus. Councilman Jessup so moved, seconded by Councilman Bell. The motion carried unanimously.

The Building Inspector requested approval to attend mandatory New York State Division of Code Enforcement training at no cost to the Town. Councilman Jessup moved to approve the request, seconded by Councilman Bell. The motion carried unanimously.

Mr. Luna asked for a motion to establish escrow for the Manchester Sewer District Out of District Agreement. The amount was set at \$500.00 per special tenant. Patrick Page, who owns a property on Patrick Lane, and the Crooked Rooster restaurant are currently interested in becoming special tenants.

A brief discussion followed.

Ms. Livigni stated that both properties will eventually be in the District, and since both need significant improvements to their septic systems it makes sense to offer them an Out of District Agreement. She added that the criterion allowing a resident to join the District as an Out of District special tenant would be a failing septic system.

Councilman Bell agreed that using that criterion would be reasonable.

Councilman Jessup moved to establish the escrow amount for the Manchester Sewer District Out of District Agreement at \$500.00 per special tenant. Councilman Bell seconded the motion and the motion carried.

Supervisor Luna stated that the Annual Report for Stormwater Management is on the Town website and on file in the Clerk's office.

Committee Reports

Water and Sewer

No report

Recreation

Councilman Polhemus asked the Board to approve the purchase of a defibrillator for Freedom Park, using funds from the Jon J. Wagner Memorial Fund. Melissa Wagner is in favor of the purchase. The cost would be \$2,000.00. Councilman Jessup moved to approve the request, seconded by Councilman Polhemus. The motion carried.

Open Space

Councilman Jessup stated that he is still trying to coordinate the Sleight Farm barn restoration project with the director of the BOCES program.

Highway

The Highway sweeper was ordered.

Town Attorney

No comments

Environmental Consultants

Diana Campaglione stated that Manchester Water District well #17 has been rehabilitated and was back on line as of today.

Public Comment

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

Mr. Joe Del Pietro from Red Oaks Mill asked about allowing Verizon TV in the Town.

Mr. Luna replied that Verizon has made a decision not to serve residents in the Town of LaGrange at this time. He added that there is a rumor that they are currently working on a wireless system.

A representative from Verizon had met with Mr. Luna and she told him that she thought that the offers for Verizon TV that some residents have been receiving were sent in error. Some LaGrange residents have a postal zip code of 12603, which the Marketing Department probably thinks is the Town of Poughkeepsie.

Mr. Del Pietro asked if there was an ordinance addressing neglected or abandoned properties. He is concerned about overgrown yards.

Mr. Luna stated that the Town had passed a Local Law a couple of years ago to address that issue. Grass that is six inches or higher will be mowed by the Town. The cost is then offset by a lien on the property. Currently, the property maintenance is behind due to the move back to 120 Stringham Road. A brief discussion ensued.

Councilman Jessup stated that he had attended the Dutchess County Airport Advisory meeting. He reported that County revenue from the sale of aviation fuel is up by three times the amount from last year.

The airport will host an air show with WWII aircraft as well as an antique car show this Saturday from noon to 6:00 pm.

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

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

The meeting adjourned at 7:28 p.m.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution: Zoning Amendment (Restaurant use in the C-2 District)
- Resolution: Zoning Amendment for Parcel #13400-6360-01-118812
- Resolution: Zoning Amendment for Parcel# 133400-656+0-02-601974
- Tax Certiorari Settlement for 41 Stringham Road

RESOLUTION

Councilman Jessup introduced the following proposed local law, which was seconded by Councilman Bell, to be known as Local Law No. _____ of 2013, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 240, "ZONING", TO ALLOW FOR RESTAURANT USES IN THE C-2 ZONE.

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

Section 1. Section 240-27, Schedule A is amended as follows:

- (a) Adding the symbol S at the intersections of the row Restaurants and column C-2.
- (b) Adding the symbol SP at the intersections of the row Fast-food restaurants and column C-2.

Section 2: This local law shall be effective upon filing with the New York State Secretary of State.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on July 10, 2013, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on July 10, 2013 at 7:00 o'clock, p.m., on Local Law No. ___ of the Year 2013, amending Chapter 240, "Zoning", to allow for restaurant uses in the C-2 zone.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
June 12, 2013


CHRISTINE O'REILLY-RAO
TOWN CLERK

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
June 12, 2013


CHRISTINE O'REILLY RAO
TOWN CLERK

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RESOLUTION

WHEREAS, Supervisor Luna introduced the following local law for the Town of LaGrange to be known as Local Law No. ___ of 2013, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF THE PORTION OF LAGRANGE TAX PARCEL 13400-6360-01-118812 LOCATED TO THE WEST SIDE OF THE CENTER LINE OF COUNTY ROUTE 21, FROM THE PO DISTRICT TO THE R-40/60/80 DISTRICT.

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

Section 1. The zoning map of Chapter 240, Section 240-22, of the Town Code is amended to change the district designation of the portion of LaGrange Tax Parcel 13400-6360-01-118812 located to the west side of the center line of County Route 21, consisting of approximately 30 +/- acres, from the PO District to the R-40/60/80 District.

Section 2. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

WHEREAS, Supervisor Luna advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New

York, it was necessary to hold a public hearing upon this local law. He offered the following resolution which was seconded by Councilman Bell, who moved its adoption:

Whereas, on June 12, 2013, Supervisor Luna has introduced this local law for the Town of LaGrange, to be known as Local Law No. ____ of 2013, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF THE PORTION OF LAGRANGE TAX PARCEL 13400-6360-01-118812 LOCATED TO THE WEST SIDE OF THE CENTER LINE OF COUNTY ROUTE 21, FROM THE PO DISTRICT TO THE R-40/60/80 DISTRICT.

LET IT BE RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, LaGrangeville, New York on July 10, 2013, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on July 10, 2013, at 7:00 o'clock p.m. prevailing time, on Local Law No. ___ of 2013, amending the Zoning Map of Chapter 240, Section 240-22, of the Town Code to change the designation of the portion of LaGrange Tax Parcel 13400-6360-01-118812 located to the west side of the center line of County Route 21, consisting of approximately 30 +/- acres, from the PO District to the R-40/60/80 District.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York, between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays, when the hours are between 8:00 a.m. and 3:30 p.m.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
June 12, 2013


CHRISTINE O'REILLY-RAO
TOWN CLERK

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

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

Dated: LaGrangeville, New York
June 12, 2013


CHRISTINE O'REILLY-RAO
TOWN CLERK, TOWN OF LAGRANGE

RESOLUTION

WHEREAS, Supervisor Luna introduced the following local law for the Town of LaGrange to be known as Local Law No. ____ of 2013, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF LAGRANGE TAX PARCEL 133400-6560-02-601974, COMMONLY KNOWN AS 2295 ROUTE 82, FROM THE R-120 DISTRICT TO THE C-2 DISTRICT.

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

Section 1. The zoning map of Chapter 240, Section 240-22, of the Town Code is amended to change the district designation of LaGrange Tax Parcel 133400-6560-02-601974, located on the northwest side of Route 82, consisting of approximately 2.0 +/- acres and commonly known as 2295 Route 82, from the R-120 District to the C-2 District.

Section 2. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

WHEREAS, Supervisor Luna advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this local

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

Whereas, on June 12, 2013, Supervisor Luna has introduced this local law for the Town of LaGrange, to be known as Local Law No. ___ of 2013, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING THE ZONING MAP OF CHAPTER 240, SECTION 240-22, OF THE TOWN CODE TO CHANGE THE DESIGNATION OF LAGRANGE TAX PARCEL 133400-6560-02-601974, COMMONLY KNOWN AS 2295 ROUTE 82, FROM THE R-120 DISTRICT TO THE C-2 DISTRICT.

LET IT BE RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, LaGrangeville, New York on July 10, 2013, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on July 10, 2013, at 7:00 o'clock p.m. prevailing time, on Local Law No. ___ of 2013, amending the Zoning Map of Chapter 240, Section 240-22, of the Town Code to change the designation of LaGrange Tax Parcel 133400-6560-02-601974, commonly known as 2295 Route 82, from the R-120 District to the C-2 District.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York, between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays, when the hours are between 8:00 a.m. and 3:30 p.m.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
June 12, 2013


CHRISTINE O'REILLY-RAO,
TOWN CLERK

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

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

Dated: LaGrangeville, New York
June 12, 2013


CHRISTINE O'REILLY-RAO
TOWN CLERK, TOWN OF LAGRANGE

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 John Gagliardi against the Town of LaGrange for the 2004 through 2012 tax years and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
June 12, 2012

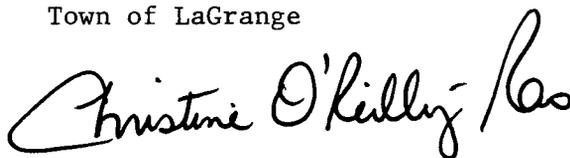
MOVED BY: Councilman Polhemus

SECONDED BY: Councilman Jessup

AYES: 4

NAYES: 0

Dated: June 12, 2013
Town of LaGrange



Christine O'Reilly-Rao
Town Clerk

VAN DEWATER AND VAN DEWATER, LLP
COUNSELORS AT LAW

John B. Van DeWater (1892-1968)
Robert B. Van DeWater (1921-1990)
James E. Nelson
Gerard J. Comatos, Jr.
Ronald C. Blass, Jr.
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Noel deCordova, Jr. (Retired)
Edward vK Cunningham, Jr.
John K. Gifford
Shari S.L. Hubner
Janis M. Gomez Anderson
Counsel

May 31, 2013

Joseph Luna, Supervisor
Town of LaGrange Town Board
120 Stringham Road
LaGrangeville NY 12540

Re: John Gagliardi v. Town of LaGrange
Index Nos. 04-3502; 05-3758; 06-3897; 07-4705; 08-5824; 09-5736; 10-5575; 11-4993; 12-4177

Dear Supervisor Luna and Town Board Members:

This tax review proceeding involves property located at 41 Stringham Road (6460-03-425347).

In summary form, the tentative settlement and reductions upon application of the Agricultural Exceptions the taxable assessments are as follows:

Assessment Roll	Taxable Assessed Valuation	Reduction in Assessment	Final Taxable Assessment
2006	\$197,925	\$22,500	\$175,425
2007	\$565,525	\$350,300	\$215,225
2008	\$477,489	\$325,500	\$151,989
2009	\$407,529	\$76,000	\$331,529
2010	\$357,845	\$45,600	\$312,245
2011	\$360,887	\$48,387	\$312,500
2012	\$382,090	\$62,090	\$320,000

The refunds from the assessment are to be paid without interest, if paid within sixty (60) days after service of an order of settlement with notice of entry.

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.

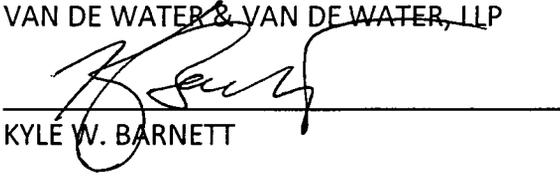
Enclosed is a Resolution for your consideration. By copy of this letter to the Town Clerk, I request that she advise me of your decision after it has been considered by you.

Thank you for referring this matter to us.

Very truly yours,

VAN DE WATER & VAN DE WATER, LLP

By:


KYLE W. BARNETT

KWB/tlr

Enclosure

cc: Robert Taft, Town Assessor

Christine O'Reilly-Rao, Town Clerk