

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

**TOWN BOARD MEETING
July 24, 2013**

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

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

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

The regular meeting of the Town Board was held on Wednesday, July 24, 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.

Mr. Luna asked for a motion to accept the minutes for July 10, 2013. Councilman Jessup moved to do so, seconded by Councilman Bell. The motion carried unanimously.

Public Hearing

Mr. Luna asked for a motion to open the Public Hearing to authorize the expenditure of additional monies, not to exceed \$79,300.86, for the Route 55 Corridor Sewer Collection Line.

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

There were no comments from the Public.

Councilman Jessup moved to close the Public Hearing, seconded by Councilman Bell. The motion carried.

Resolution: NYSDOT Public Sewer Line Improvement, Section 202-F (SEE ADDENDUM)
Councilman Polhemus pointed out a typo on page two, paragraph four of the resolution which read "water line". Councilman Polhemus moved the resolution with the correction of the typo to read "sewer collection line". Councilman Jessup seconded the motion and it carried.

Resolution: Authorizing Payment to NYDOT for Requested Work: Sewer (SEE ADDENDUM)

Bond Resolution: Sewer Collection Line Improvement (SEE ADDENDUM)

Public Hearing

Mr. Luna asked for a motion to open the Public Hearing for the expenditure of additional funds for the Water Line Improvement for the Route 55 Corridor.

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

There were no comments from the Public.

Councilman Jessup moved to close the Public Hearing, seconded by Councilman Bell. The motion carried.

Resolution: NYSDOT Water Line Improvement, Section 202-F (SEE ADDENDUM)

Resolution: Authorizing Payment to NYDOT for Requested Work: Water (SEE ADDENDUM)

Resolution: Rider Agreement between the Town of LaGrange and Steven Rieger (SEE ADDENDUM)

Councilman Polhemus noted that this expenditure would be covered by the developer. Supervisor Luna stated that the Town had already received the check.

Resolution: NYSDOT Utility Work Agreement Ref #9B: Sewer (SEE ADDENDUM)

Resolution: NYSDOT Utility Work Agreement Ref #10A: Water (SEE ADDENDUM)

Correspondence

Mr. Luna stated that correspondence related to Cablevision will be in the Clerk's office for one week.

Agenda Items

Mr. Luna asked for the Town Board to approve Freedom Plains United Presbyterian Church request to delay the payment of application fees until the application is approved.

Councilman Jessup, seconded by Councilman Bell approved the request. The motion carried unanimously.

Mr. Luna stated that the Town Clerk has provided proof of publication regarding the NYS Audit. Mr. Luna asked for a motion to accept the New York State Audit for the record. (SEE ADDENDUM)

Councilman Polhemus, seconded by Councilman Dyal moved to accept the NYS Audit. The motion carried unanimously.

Mr. Luna asked for a motion to approve the Highway Superintendent's request to transfer funds in the amount of \$3,000.00 from account #2650 (Scrap Metal) to account #5130.2 (Machinery-Equipment).

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

Mr. Luna asked for a motion to approve the Highway Superintendent's request to accept the bids for the Surplus Equipment in the amount of \$17,213.00. (SEE ADDENDUM)

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

The Building Inspector is requesting Town Boards approval to perform property maintenance services on the properties listed on his memo. (SEE ADDENDUM)

Councilman Jessup moved to approve the list, seconded by Councilman Polhemus. Councilman Jessup asked if it would be possible to make an oral resolution which would allow the Building Inspector to proceed with property maintenance without Town Board approval every time, once the proper steps of notification, etc, have been carried out.

Mr. Blass stated that he would have to review the Town Code before answering that question. A brief discussion ensued.

Councilman Bell, seconded by Councilman Jessup moved to adopt a "blanket" approval for property maintenance contingent on the wording found in the Town Code. Councilman Dyal Stated that he was in favor as long as Mr. Blass finds it is compatible with the Property Maintenance Code. The motion carried.

The Highway Superintendent is requesting Town Boards approval to go out for bid on Liquefied Petroleum (LP) Gas Propane for the contract period October 1, 2013 through September 30, 2014.

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

The Building Inspector is requesting Town Board approval for Town Attorney services to resolve several building/zoning code violations.

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

Committee Reports

Water and Sewer

No report

Recreation

No report

Open Space

No report

Highway

Councilman Polhemus stated that they were still working on the Capital Plan prior to budget preparations.

Town Board Comments

Councilman Dyal asked about resolving an issue at 14 Sunrise Terrace. The resident needs assistance from the Public Works Administrator and she is on vacation for two weeks.

Supervisor Luna stated that he had been in contact with the resident and the issue will be addressed even though Ms. Livigni is away.

Public Comment

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

Mr. Ralph Rabasco asked about the property maintenance work done by the Town. He suggested the Town go out to bid for a landscaper to provide private sector employment.

The members of the Board thanked him for his input.

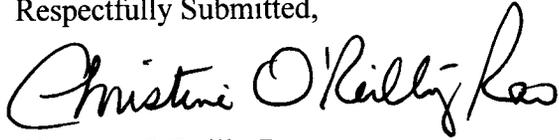
Councilman Dyal moved to close the Public Comment, seconded by Councilman Polhemus. The motion carried.

Mr. Luna asked for a motion to adjourn to Executive Session to discuss an employment matter at 7:25 pm.

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

Councilman Dyal, seconded by Councilman Bell moved to adjourn the meeting at 8:25 pm.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- NPH & Affidavit of Publication: Sewer Collection Line Improvement
- NPH & Affidavit of Publication: Water Line Improvement
- Resolution: NYSDOT Public Sewer Line Betterment, Section 202-F
- Resolution: Authorizing Payment to NYDOT for Requested Work (Sewer)
- NPH & Affidavit Of Publication: Bond Resolution (Sewer Line Collection)
- Bond Resolution: Sewer Collection Line: Serial Bonds not to exceed \$79, 300.86
- Legal Notice of Estoppel
- Resolution: NYSDOT Waterline Improvement, Section 202-F
- Resolution: Authorizing Payment to NYDOT for Requested Work (Water)
- Resolution: Rider Agreement between the Town of LaGrange and Steven Rieger
- Resolution: NYSDOT Utility Work Agreement Ref #9B
- Resolution: NYSDOT Utility Work Agreement Ref #10A
- Affidavit of Publication & Posting: NYS Audit
- NYS Audit
- Highway Bids for Scrap
- Property Maintenance List

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 on July 24, 2013 at 7:00 p.m., prevailing time, for the purpose of conducting a further public hearing relating to a New York State Department of Transportation plan and cost estimate (updated based on NYSDOT actual bid results to include an additional \$19,400.86 over and above the prior report of Clark Patterson Lee dated February 25, 2013 on file with the Town Clerk) for an expenditure by the Town not to exceed \$79,300.86 (which is \$59,900.00 + \$19,400.86), 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
July 10, 2013



Christine O'Reilly-Rao
Town Clerk

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 13th day of July 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 16th day of July in the year of 2013.

Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

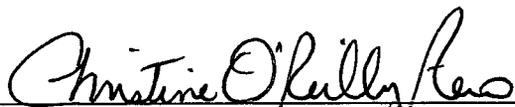
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DATED: LaGrangeville, New York
July 18, 2013
Christine O'Reilly-Rao
Town Clerk
0923

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

NOTICE OF PUBLIC HEARING

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DATED: LaGrangeville, New York
July 10, 2013



Christine O'Reilly-Rao
Town Clerk

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 13th
day of July 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 16th day
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Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

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DATE: LaGrangeville, New York
July 16, 2013
Christine O'Reilly-Rao
Town Clerk
0922

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

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

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

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, on March 13, 2013, the Town Board determined, after such public hearing and upon the evidence given thereat, that it is in the public interest to have constructed the sewer line improvements as a public betterment as part of the NYSDOT project at a maximum cost of \$59,900; and

WHEREAS, the NYSDOT thereafter received actual bids for the public waterline betterment, and such bids caused the NYSDOT to increase its estimate of the projected cost of the public betterment from \$39,000 to an adjusted figure of \$56,191, i.e., an increase to the extent of \$17,191; and

WHEREAS, the Town Board conducted a further public hearing on July 24, 2013, in order to determine whether it is in the public interest to have constructed the sewer collection line as a public betterment as part of the NYSDOT project at a maximum cost of \$77,091 (\$59,900 plus the additional cost of \$17,191); and

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 \$77,091 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.

3. The Town Board ratifies and readopts the negative declaration issued pursuant to SEQRA on the subject matter of this resolution on March 13, 2013.

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
July 24, 2013


Christine O'Reilly-Rao, Town Clerk

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

Councilman Jessup introduced 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 \$56,191.00, 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 \$56,191.00 has been 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
July 24, 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 24th day of July, 2013, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Luna
Councilman Jessup
Councilman Polhemus
Councilman Dyal
Councilman Bell

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

BOND RESOLUTION DATED JULY 24, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$79,300.86
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 \$79,300.86 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 \$79,300.86, and the plan for the financing thereof is by the issuance of \$79,300.86 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. This resolution supersedes and replaces the resolution adopted by the Town Board of the Town of LaGrange on March 13, 2013.

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.

Christeni O'hilly-Rao
July 24, 2013

CERTIFICATION FORM

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

I, the undersigned Clerk of the Town of LaGrange, County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 24th day of July, 2013.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION: Poughkeepsie Journal; July 13, 2013

POSTING : 120 Stringham Road, Town of LaGrange; July 11, 2013

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 24th day of July, 2013.


Christine O'Reilly-Rao, Town Clerk

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 July 24, 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
July 24, 2013

Christine
O'Reilly-Rao, Town Clerk

BOND RESOLUTION
DATED JULY 24, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF ~~79,300.86~~ 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: \$79,300.86
Period of probable usefulness: forty years
Maturity of obligations: Five years
Amount of obligations to be issued: ~~\$79,300.86~~ bonds

4174

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 27th day of July 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 29th day of July 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

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The bond resolution, a summary of which is published herewith, has been adopted on July 24, 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
July 24, 2013


Christine O'Reilly-Rao
Town Clerk

BOND RESOLUTION DATED JULY 24, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$79,300.86 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: \$79,300.86
Period of probable usefulness: forty years
Maturity of obligations: Five years
Amount of obligations to be issued: \$79,300.86 bonds

FURTHER RESOLUTION OF APPROVAL OF
WATERLINE PER
TOWN LAW 202-f

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

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, on March 13, 2013, the Town Board determined, 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; and

WHEREAS, the NYSDOT thereafter received actual bids for the public waterline betterment, and such bids caused the NYSDOT to increase its estimate of the projected cost of the public betterment from \$84,000 to an adjusted figure of \$121,524, i.e., an increase to the extent of \$37,524; and

WHEREAS, the Town Board conducted a further public hearing on July 24, 2013, in order to determine whether 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 \$154,524 (\$117,000 plus the additional cost of \$37,524), 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; and

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 \$154,524 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.

3. The Town Board ratifies and readopts the negative declaration issued pursuant to SEQRA on the subject matter of this resolution on March 13, 2013.

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
July 24, 2013


Christine O'Reilly-Rao, Town Clerk

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

Councilman Bell introduced the following resolution which was seconded by Councilman Polhemus:

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 \$121,524.00, 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 \$121,524.00 has been 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	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: LaGrangeville, New York
July 24, 2013



CHRISTINE O'REILLY-RAO, TOWN CLERK

RESOLUTION

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

WHEREAS, on March 18, 2013, the Town of LaGrange and BRH Land, LLC and 1100 Route 55, LLC ("Owners") entered into an Agreement under which Owners will defray the Town's costs of the installation of a waterline public betterment as part of the New York State Department of Transportation's improvements to Route 55 in the Freedom Plains area of the Town; and

WHEREAS, due to intervening and higher costs estimates of the NYSDOT based on actual bidding, the Town of LaGrange and Owners have negotiated a Rider Agreement under which Owners will defray the Town's higher estimated costs of the installation of a waterline public betterment as part of the New York State Department of Transportation's improvements to Route 55 in the Freedom Plains area of the Town.

WHEREAS, a copy of the proposed Rider Agreement is annexed hereto as Exhibit "A";

WHEREAS, the Town Board deems this resolution a Type 2 action under SEQRA.

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the proposed Rider Agreement, or any other agreement having substantially the same or similar provisions.

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
July 24, 2013


CHRISTINE O'REILLY-RAO, TOWN CLERK

EXHIBIT "A"

RIDER TO AGREEMENT

RIDER TO AGREEMENT made this 24th day of JULY, 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").

Notwithstanding anything to the contrary contained in an agreement between the above parties dated March 18, 2013 and recorded on March 25, 2013 with the Dutchess County Clerk as Document No. 02-2013-1571, of which this addendum is hereby made part, the parties agrees as follows:

1. Upon the making of this Rider Agreement, Owners shall deposit with the Town the cash sum of \$134,524 (\$121,524 + \$13,000) 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

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.

2. The amount of escrow deposit established within Paragraph "1" of this Rider Agreement is based upon funding requirements established by estimates and projections of the NYSDOT at \$121,524, 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 "1" of this Rider 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.

3. The remainder of the terms of the Agreement between the parties March 13, 2013 shall remain in full force and effect, the purpose of this Rider Agreement being to adjust

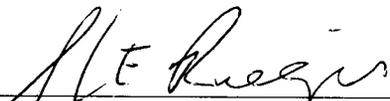
dollar amounts in light of bidding results and contractual requirements of the NYSDOT since the initial Agreement.

4. This document constitutes the full and complete Rider Agreement between the parties.

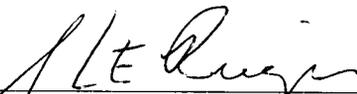
TOWN OF LAGRANGE

By: 
Joseph J. Luna, Supervisor

BRH LAND, LLC

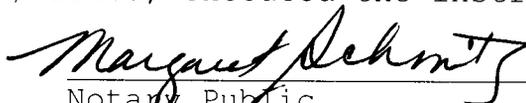
By: 
Name: Steven E. Rieger
Title: Member

1100 ROUTE 55, LLC

By: 
Name: Steven E. Rieger
Title: Member

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

On July 19th, 2013, before me, the undersigned, a notary public in and for said state, personally appeared **JOSEPH J. LUNA**, 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

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

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

On July 18, 2013, before me, the undersigned, a notary public in and for said state, personally appeared **STEVEN E. RIEGER**, 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

JEANINE M OLEARY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01OL6217913
Qualified in Orange County
My Commission Expires February 22, 2014

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

RESOLUTION

Councilman Bell offered the following resolution, which was seconded by Councilman Polhemus, who moved its adoption:

WHEREAS, the Town of LaGrange has been presented by the New York State Department of Transportation with a Utility Work Agreement, Ref. # 9B (associated with NYSDOT Project Identification Number 8391.40.101, Route 55 Improvements: Lauer Road to the Taconic State Parkway) addressing the NYSDOT's installation for, and at the expense of, the Town of LaGrange of public betterments in the nature of (a) new public water mains and appurtenances projected by the NYSDOT, after actual bidding, to cost the sum of \$121,524.00, and (b) new public sewer mains and appurtenances projected by the NYSDOT, after actual bidding, to cost the sum of \$56,191.00; and

WHEREAS, a copy of the proposed Agreement is annexed hereto as Exhibit "A"; and

WHEREAS, the Town Board concludes that this Agreement is a Type 2 action under SEQRA; and

WHEREAS, after public hearing held on July 24, 2013, the Town Board adopted on July 24, 2013 a resolution authorizing, with the addition of contingency and soft costs, the expenditure under Town Law §202-f of the maximum sum of \$165,581.92 for the purpose of the public water betterment, subject to full and complete defraying of this obligation by contribution from BRH Land, LLC and 1100 Route 55, LLC (hereinafter "Owners") under an Agreement between Town and Owners; and

WHEREAS, after public hearing held on July 24, 2013, the Town Board adopted on July 24, 2013 a resolution authorizing, with the addition of contingency and soft costs, the expenditure under Town Law §202-f of the maximum sum of \$79,300.86 for the purpose of the public sewer betterment, subject to full and complete defraying of this obligation by contribution from BRH Land, LLC and 1100 Route 55, LLC (hereinafter "Owners") under an Agreement between Town and Owners; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the proposed Agreement, or any other agreement having substantially the same or similar provisions, to the extent that authorizations for the respective water lines and/or sewer lines have been adopted by the Town Board as aforesaid.

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
July 24, 2013


CHRISTINE O'REILLY-RAO, TOWN CLERK

NEW YORK STATE DEPARTMENT OF TRANSPORTATION REF. # 9B
UTILITY WORK AGREEMENT

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 8391.40.101

F.A. Project No.:

ROW Declaration No.:

Map Nos.:

Parcel Nos.:

County of: Dutchess

Contract No.: D262351

Project Description: Route 55 Improvements: Lauer Road to the Taconic State Parkway, Town of LaGrange, Dutchess County necessitates the adjustment of utility facilities as hereinafter described, the owner, Town of LaGrange, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule," and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. Existing Facilities:

Installation of new water mains and sanitary sewer mains, and appurtenances including excavation and backfill, and furnishing materials as required on State Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted as follows: Installed in accordance with the "Rules and Regulations...", and as described in the attached "Coordination With Utilities" note for an estimated cost of \$ ~~190,982.78~~ \$ 177,715

II. Financial Responsibility:

Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)

III. Physical Adjustment Method:

The actual adjustment or design engineering will be performed by the following method:
Contract let by the Commissioner.

IV. Betterment, Salvage, and Depreciation Credits Due the Project:

- A. There is a betterment in the project described as follows: Installation of a water main system and sanitary sewer main system.
- B. The owner agrees to deposit with the Comptroller of the State of New York the amount of \$ ~~190,982.78~~ \$ 177,715 to cover the cost of the betterment work as described in A.

The owner hereby agrees to deposit with the Comptroller of the State of New York the amount to cover the cost of the betterment as described above.

COORDINATION WITH UTILITIES

All known public and private utility lines within or adjacent to the site of the work, are shown in their existing approximate locations on the contract plans. The contractor is cautioned that these locations are not guaranteed; nor is there a guarantee that all such lines in existence have been shown on the plans.

The contractor shall conduct his operations as to prevent damage to such facilities. He shall make such explorations as may be necessary to determine the dimensions and locations of lines that may be subject to damage. Notification to the various owners of facilities shall be given in accordance with New York State Industrial Code 753 (effective February 5, 1997).

The contractor shall satisfy himself as to the exact location of utility lines and shall protect and support in a suitable manner at his own expense all underground utilities encountered in his excavating and trenching operations. The contractor shall make good any damage and consequential damages to those utilities caused by his operations. If the nature of the damage is such as to endanger the satisfactory operations of the utilities and the necessary repairs are not immediately made by the contractor, the work may be done by the respective owning companies and the cost thereof charged against the contractor.

Prior to the commencement of construction, the contractor shall meet with all the known public and private utility companies occupying the work site. The contractor shall, at this meeting, inform the utility companies of his schedule of operations and so coordinate his work with these companies.

The contractor specifically agrees that he has included in his unit prices and lump sum prices bid for the various items of the contract any additional cost of doing the work under this contract because of the fact that he may not have a clear site for the work and because of interference of roadway use by the utilities, and the necessity or desirability of opening certain sections of pavement to traffic before the entire work is completed.

The following privately owned public utility companies will impact the State contractor's schedule for the construction of PIN 8391.40.101; Route 55 Improvements: Lauer Road to the Taconic State Parkway; Town of LaGrange, Dutchess County.

- **Central Hudson Gas and Electric Corporation -**

Contacts: Mr. Dennis Primiano at (845)486-5808, Ms. Nancy Benincasa at (845)486-5892, Mr. Jerry Amato at (845)897-6144 and Mr. Brian Fuoco at (845)486-5554.

There are thirty-seven (37) utility poles within the project limits which are anticipated to be in conflict with the proposed highway work. Central Hudson has designed a new pole layout in which new poles will be set away from the road. In addition, Central Hudson will also install a new pole line along the east side of the road on the new Stringham Road

alignment and will have a betterment in the State contract for the contractor to install a manhole and conduit system within the Arlington High School/Route 55/new Stringham Road roundabout. The underground system will originate at new poles being set just outside the roundabout and will include the placement of a Central Hudson supplied manhole. A summary of the Central Hudson underground system is as follows:

- The State contractor will set a Central Hudson supplied manhole in the northwest quadrant of the roundabout. Central Hudson will deliver the manhole to the site where the State contractor will be responsible for removing the manhole from the truck and installing it. All conduits will be installed and supplied by the State contractor. As identified in the specifications, the conduits will be six (6) inch plastic encased in concrete. All new Central Hudson conduits will originate at the manhole and run to riser poles as follows.
- Two (2) conduits to a new pole set at approximately Sta. WC42+15, Lt. side.
- Two (2) conduits to a new pole set at approximately Sta. WC43+50, Lt. side.
- Four (4) conduits to a new pole set at approximately Sta. WD41+85, Lt. side.
- Two (2) conduits to a new pole set at approximately Sta. EC43+65, Rt. side.
- Four (4) conduits to a new pole set at approximately Sta. EC42+30, Rt. side.

All line work associated with this relocation will be performed by Central Hudson forces. They will require ten (10) weeks to complete all work discussed above. This time frame once:

- The State contractor's surveyor marks out all right-of-way lines, proposed edges of pavement, proposed sidewalks and other roadside appurtenances including guide rail locations. This includes the layout of the new Stringham Road.
- The pole stake-outs have been approved by the State engineer-in-charge, the State contractor and all utility companies.
- The completion and approval by Central Hudson of the installed manhole and conduit system. (See General Conduit Issues discussion below)
- Either the grades in the vicinity of the proposed pole locations have been brought up to within six (6) inches of the final grades or the State contractor provides Central Hudson with proposed ground elevation changes at the stakeout location. [Note: Severe elevation changes may still prevent the utility company from placing the new poles.]
- Any vegetation and trees impeding the placement of the new poles and overhead facilities is cleared by the State contractor provided the area would be cleared for the project regardless. It is important to note that the utility companies may be required to remove additional trees or tree limbs to accommodate their relocated lines.

- **Lighttower/Hudson Valley DataNet -**

Contact: Mr. Jack Weishaupt, Construction Manager at (845) 567-6367 ext. 103.

Lighttower is located on the existing Route 55 pole line and turns on Stringham Road. They will relocate onto the new poles on both Route 55 and the new Stringham Road. They have a betterment in the State contract for the contractor to install one four (4) inch conduit within the Arlington High School/Route 55/new Stringham Road roundabout. Their conduit will run parallel to the Central Hudson conduits except for the conduit to the pole at Sta. EC42+30. A summary of the Lighttower underground system is as follows:

- The State contractor will set a Lighttower/Time Warner Cable supplied handhole in the northwest quadrant of the roundabout. The handhole will be delivered to the site by the utility company. The State contractor will be responsible for storing and installing it. All conduit will be installed and supplied by the State contractor. Note that there will be no separate pay item for the installation of the company supplied handhole. Payment is included in the conduit supply and installation item.
- All conduit will run from the handhole in the direction of the poles at stations WC42+15, Lt. side, Sta. WC43+50, Lt. side, WD41+85, Lt. side and Sta. EC43+65, Rt. side.

Lighttower will require two (2) weeks to complete its relocations after receipt of notification that their conduit is completely in place and that Central Hudson has completed their relocations.

- **Time Warner Cable -**

Contact: Mr. Ros Hassett at (845)629-9978 and Mr. Fred Conklin at (845)629-9976.

Time Warner Cable will also relocate onto the new poles on both Route 55 and the new Stringham Road. They have a betterment in the State contract for the contractor to install one four (4) inch conduit within the Arlington High School/Route 55/new Stringham Road roundabout. Their conduit will be located parallel to that of Lighttower. They will utilize the same handhole that is being set in the northwest quadrant of the roundabout. All conduit will be installed and supplied by the State contractor.

Time Warner Cable will require three (3) weeks to complete its relocations after receipt of notification that their conduit is completely in place and that Lighttower/Hudson Valley DataNet has completed their overhead relocations.

- **Verizon Communications -**

Contacts: For OSP issues: Mr. Nicholas Thompson at (845)340-8013 and Mr. John

Milone at (845)452-0993. For conduit issues: Mr. William Lenhart at (845)452-9545.

Verizon also has a betterment in the State contract for the contractor to install a conduit system within the Arlington High School/Route 55/new Stringham Road roundabout. Their underground system, like the cable companies, will require that the State contractor set a Verizon supplied pullbox in the northwest quadrant of the roundabout. The pullbox will be delivered to the site by Verizon. The State contractor will be responsible for storing and installing it. All conduit will be installed and supplied by the State contractor. Note that there will be no separate pay item for the installation of the company supplied pullbox. Payment is included in the conduit supply and installation item. A summary of the Verizon underground system is as follows. All new conduits will originate at the pullbox and run to riser poles as follows.

- Four (4) conduits to a new pole set at approximately Sta. WC42+15, Lt. side.
- Three (3) conduits to a new pole set at approximately Sta. WC43+50, Lt. side.
- Four (4) conduits to a new pole set at approximately Sta. WD43+10, Lt. side.

Verizon will relocate all existing overhead facilities onto the new poles being set by Central Hudson. They also have an existing equipment cabinet at the existing Stringham Road/Route 55 intersection. While the equipment cabinet itself will remain within the highway boundary after the project construction, the underground facilities to and from the cabinet in connection with the removal of existing Stringham Road, will require extensive relocations by Verizon. They will require four (4) months to relocate/rebuild their overhead and underground facilities after receipt of notification that Time Warner Cable has completed their overhead relocations and the State contractor has completed Verizon's underground system. Any proposed underground installations from the cabinet that Verizon does using their own forces will have to be approved by the State engineer-in-charge and the State contractor. Verizon will also be responsible for removing the existing poles once completely vacated. The time to remove the poles is included in the stated time frame.

GENERAL UTILITY ISSUES

- It is important for the State contractor to note that all existing utilities must remain in place and in service until the relocated systems are completely installed and operational.
- Prior to the installation of any conduits, the State contractor and its contractor along with all utility companies should discuss and agree on all riser pole locations as well as the riser configuration on each pole. As discussed in the Verizon, Time Warner Cable and Lightower portions of this note, those companies may have to set their own riser poles or rise on the next new pole in line set by Central Hudson.
- Regarding the conduit bends/risers on the poles:
 - For Central Hudson: the State contractor is responsible for running the

conduits to the poles. Central Hudson forces will supply and install the bends/risers to the pole.

- For Verizon, Lightower and Time Warner Cable: in addition to the conduit installations, the State contractor will be responsible for supplying and installing all bends and materials to the poles.
- Central Hudson conduits are to be backfilled with concrete. All other conduits are to be backfilled in sand.
- Central Hudson is setting the majority of the new poles for the project. There may be other pole work required that do not involve Central Hudson such as the existing poles on the Dr Fink Extension or new riser poles. Such pole work will be coordinated between the three communications companies.

● **Town of Lagrange Department of Public Works -**

Contact: Ms. Wanda Livigni, Administrator of Public Works at (845)452-8562.

The Town has a betterment in the contract for the State contractor to construct new water and sanitary sewer systems. The betterment covers the construction of new systems requested by the Town. The cost of any relocation of existing systems being replaced in kind because of the State project shall be borne by the State of New York. All water and sewer work shall adhere to Town of LaGrange specifications, details and requirements. The proposed locations for the new water and sanitary sewer systems as well as all specifications, details and notes for the State contractor to build the new systems are included in the project plans and proposal.

The Town will work with the State contractor in order for the State contractor to make the necessary connections to the existing systems. It is required that at least one (1) week prior to the beginning of any work on or in the vicinity of the Town owned facilities, the State contractor shall contact the Town to inform them that the work on their facilities is beginning and afford them the opportunity to have personnel on site and to give advance notice to property owners.

All existing hydrants being removed as part of the project shall be safely stored by the State contractor for pickup by the Town.

The application for any health department permits or approvals required for the water main and sanitary sewer work on the project will be completed by the State and signed/submitted by the Town as the facilities owner. The State will provide necessary work descriptions and all required attachments for such application including but not limited to construction specifications and professional engineer-stamped plans.

The State contractor will be required to purchase and maintain an inventory of water main

pipe appurtenances to be stored on site. The on site inventory is required in order to provide ready access to materials needed for emergency repair of the existing water line in the event of accidental damage to the existing facility during construction activities. The cost shall be included in the price bid for the various water line items in the contract.

The inventory of materials is to be approved by the Town of LaGrange Water Department.

RESOLUTION

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

WHEREAS, the Town of LaGrange has been presented by the New York State Department of Transportation with a Utility Work Agreement, Ref. # 10A, addressing relocation in kind of water mains, sewer mains, and all associated appurtenances located on state right of way, and associated with NYSDOT Project Identification Number 8391.40.101, Route 55 Improvements: Lauer Road to the Taconic State Parkway; and

WHEREAS, a copy of the proposed Agreement is annexed hereto as Exhibit "A"; and

WHEREAS, the Town Board concludes that this Agreement is a Type 2 action under SEQRA.

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves, and authorizes the Supervisor to execute the proposed Agreement, or any other agreement having substantially the same or similar provisions.

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
July 24, 2013


CHRISTINE O'REILLY-RAO, TOWN CLERK

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 8391.40.101

F.A. Project No.:

ROW Declaration No.:

Map Nos.:

Parcel Nos.:

County of: Dutchess

Contract No.: D262351

Project Description: Route 55 Improvements: Lauer Road to the Taconic State Parkway, Town of LaGrange, Dutchess County necessitates the adjustment of utility facilities as hereinafter described, the owner, Town of LaGrange, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule," and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. Existing Facilities:

Water mains, sewer mains and all associated appurtenances presently located on State Right-of-Way and within the project area as shown on the plans for the proposed transportation project are to be relocated in kind and in accordance with the "Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way", the Town of LaGrange regulations and standards, the project plans, and as described in the attached "Coordination With Utilities" special note.

II. Financial Responsibility:

Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work.

III. Physical Adjustment Method:

The actual adjustment or design engineering will be performed by the following method:
Contract let by the Commissioner.

IV. Betterment, Salvage, and Depreciation Credits Due the Project:

There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.

COORDINATION WITH UTILITIES

All known public and private utility lines within or adjacent to the site of the work, are shown in their existing approximate locations on the contract plans. The contractor is cautioned that these locations are not guaranteed; nor is there a guarantee that all such lines in existence have been shown on the plans.

The contractor shall conduct his operations as to prevent damage to such facilities. He shall make such explorations as may be necessary to determine the dimensions and locations of lines that may be subject to damage. Notification to the various owners of facilities shall be given in accordance with New York State Industrial Code 753 (effective February 5, 1997).

The contractor shall satisfy himself as to the exact location of utility lines and shall protect and support in a suitable manner at his own expense all underground utilities encountered in his excavating and trenching operations. The contractor shall make good any damage and consequential damages to those utilities caused by his operations. If the nature of the damage is such as to endanger the satisfactory operations of the utilities and the necessary repairs are not immediately made by the contractor, the work may be done by the respective owning companies and the cost thereof charged against the contractor.

Prior to the commencement of construction, the contractor shall meet with all the known public and private utility companies occupying the work site. The contractor shall, at this meeting, inform the utility companies of his schedule of operations and so coordinate his work with these companies.

The contractor specifically agrees that he has included in his unit prices and lump sum prices bid for the various items of the contract any additional cost of doing the work under this contract because of the fact that he may not have a clear site for the work and because of interference of roadway use by the utilities, and the necessity or desirability of opening certain sections of pavement to traffic before the entire work is completed.

The following privately owned public utility companies will impact the State contractor's schedule for the construction of PIN 8391.40.101; Route 55 Improvements: Lauer Road to the Taconic State Parkway; Town of LaGrange, Dutchess County.

- **Central Hudson Gas and Electric Corporation -**

Contacts: Mr. Dennis Primiano at (845)486-5808, Ms. Nancy Benincasa at (845)486-5892, Mr. Jerry Amato at (845)897-6144 and Mr. Brian Fuoco at (845)486-5554.

There are thirty-seven (37) utility poles within the project limits which are anticipated to be in conflict with the proposed highway work. Central Hudson has designed a new pole layout in which new poles will be set away from the road. In addition, Central Hudson will also install a new pole line along the east side of the road on the new Stringham Road

alignment and will have a betterment in the State contract for the contractor to install a manhole and conduit system within the Arlington High School/Route 55/new Stringham Road roundabout. The underground system will originate at new poles being set just outside the roundabout and will include the placement of a Central Hudson supplied manhole. A summary of the Central Hudson underground system is as follows:

- The State contractor will set a Central Hudson supplied manhole in the northwest quadrant of the roundabout. Central Hudson will deliver the manhole to the site where the State contractor will be responsible for removing the manhole from the truck and installing it. All conduits will be installed and supplied by the State contractor. As identified in the specifications, the conduits will be six (6) inch plastic encased in concrete. All new Central Hudson conduits will originate at the manhole and run to riser poles as follows.
- Two (2) conduits to a new pole set at approximately Sta. WC42+15, Lt. side.
- Two (2) conduits to a new pole set at approximately Sta. WC43+50, Lt. side.
- Four (4) conduits to a new pole set at approximately Sta. WD41+85, Lt. side.
- Two (2) conduits to a new pole set at approximately Sta. EC43+65, Rt. side.
- Four (4) conduits to a new pole set at approximately Sta. EC42+30, Rt. side.

All line work associated with this relocation will be performed by Central Hudson forces. They will require ten (10) weeks to complete all work discussed above. This time frame once:

- The State contractor's surveyor marks out all right-of-way lines, proposed edges of pavement, proposed sidewalks and other roadside appurtenances including guide rail locations. This includes the layout of the new Stringham Road.
- The pole stake-outs have been approved by the State engineer-in-charge, the State contractor and all utility companies.
- The completion and approval by Central Hudson of the installed manhole and conduit system. (See General Conduit Issues discussion below)
- Either the grades in the vicinity of the proposed pole locations have been brought up to within six (6) inches of the final grades or the State contractor provides Central Hudson with proposed ground elevation changes at the stakeout location. [Note: Severe elevation changes may still prevent the utility company from placing the new poles.]
- Any vegetation and trees impeding the placement of the new poles and overhead facilities is cleared by the State contractor provided the area would be cleared for the project regardless. It is important to note that the utility companies may be required to remove additional trees or tree limbs to accommodate their relocated lines.

- **Lighttower/Hudson Valley DataNet -**

Contact: Mr. Jack Weishaupt, Construction Manager at (845) 567-6367 ext. 103.

Lighttower is located on the existing Route 55 pole line and turns on Stringham Road. They will relocate onto the new poles on both Route 55 and the new Stringham Road. They have a betterment in the State contract for the contractor to install one four (4) inch conduit within the Arlington High School/Route 55/new Stringham Road roundabout. Their conduit will run parallel to the Central Hudson conduits except for the conduit to the pole at Sta. EC42+30. A summary of the Lighttower underground system is as follows:

- The State contractor will set a Lighttower/Time Warner Cable supplied handhole in the northwest quadrant of the roundabout. The handhole will be delivered to the site by the utility company. The State contractor will be responsible for storing and installing it. All conduit will be installed and supplied by the State contractor. Note that there will be no separate pay item for the installation of the company supplied handhole. Payment is included in the conduit supply and installation item.
- All conduit will run from the handhole in the direction of the poles at stations WC42+15, Lt. side, Sta. WC43+50, Lt. side, WD41+85, Lt. side and Sta. EC43+65, Rt. side.

Lighttower will require two (2) weeks to complete its relocations after receipt of notification that their conduit is completely in place and that Central Hudson has completed their relocations.

- **Time Warner Cable -**

Contact: Mr. Ros Hassett at (845)629-9978 and Mr. Fred Conklin at (845)629-9976.

Time Warner Cable will also relocate onto the new poles on both Route 55 and the new Stringham Road. They have a betterment in the State contract for the contractor to install one four (4) inch conduit within the Arlington High School/Route 55/new Stringham Road roundabout. Their conduit will be located parallel to that of Lighttower. They will utilize the same handhole that is being set in the northwest quadrant of the roundabout. All conduit will be installed and supplied by the State contractor.

Time Warner Cable will require three (3) weeks to complete its relocations after receipt of notification that their conduit is completely in place and that Lighttower/Hudson Valley DataNet has completed their overhead relocations.

- **Verizon Communications -**

Contacts: For OSP issues: Mr. Nicholas Thompson at (845)340-8013 and Mr. John

Milone at (845)452-0993. For conduit issues: Mr. William Lenhart at (845)452-9545.

Verizon also has a betterment in the State contract for the contractor to install a conduit system within the Arlington High School/Route 55/new Stringham Road roundabout. Their underground system, like the cable companies, will require that the State contractor set a Verizon supplied pullbox in the northwest quadrant of the roundabout. The pullbox will be delivered to the site by Verizon. The State contractor will be responsible for storing and installing it. All conduit will be installed and supplied by the State contractor. Note that there will be no separate pay item for the installation of the company supplied pullbox. Payment is included in the conduit supply and installation item. A summary of the Verizon underground system is as follows. All new conduits will originate at the pullbox and run to riser poles as follows.

- Four (4) conduits to a new pole set at approximately Sta. WC42+15, Lt. side.
- Three (3) conduits to a new pole set at approximately Sta. WC43+50, Lt. side.
- Four (4) conduits to a new pole set at approximately Sta. WD43+10, Lt. side.

Verizon will relocate all existing overhead facilities onto the new poles being set by Central Hudson. They also have an existing equipment cabinet at the existing Stringham Road/Route 55 intersection. While the equipment cabinet itself will remain within the highway boundary after the project construction, the underground facilities to and from the cabinet in connection with the removal of existing Stringham Road, will require extensive relocations by Verizon. They will require four (4) months to relocate/rebuild their overhead and underground facilities after receipt of notification that Time Warner Cable has completed their overhead relocations and the State contractor has completed Verizon's underground system. Any proposed underground installations from the cabinet that Verizon does using their own forces will have to be approved by the State engineer-in-charge and the State contractor. Verizon will also be responsible for removing the existing poles once completely vacated. The time to remove the poles is included in the stated time frame.

GENERAL UTILITY ISSUES

- It is important for the State contractor to note that all existing utilities must remain in place and in service until the relocated systems are completely installed and operational.
- Prior to the installation of any conduits, the State contractor and its contractor along with all utility companies should discuss and agree on all riser pole locations as well as the riser configuration on each pole. As discussed in the Verizon, Time Warner Cable and Lighttower portions of this note, those companies may have to set their own riser poles or rise on the next new pole in line set by Central Hudson.
- Regarding the conduit bends/risers on the poles:
 - For Central Hudson: the State contractor is responsible for running the

conduits to the poles. Central Hudson forces will supply and install the bends/risers to the pole.

- For Verizon, Lightower and Time Warner Cable: in addition to the conduit installations, the State contractor will be responsible for supplying and installing all bends and materials to the poles.
- Central Hudson conduits are to be backfilled with concrete. All other conduits are to be backfilled in sand.
- Central Hudson is setting the majority of the new poles for the project. There may be other pole work required that do not involve Central Hudson such as the existing poles on the Dr Fink Extension or new riser poles. Such pole work will be coordinated between the three communications companies.

● **Town of Lagrange Department of Public Works -**

Contact: Ms. Wanda Livigni, Administrator of Public Works at (845)452-8562.

The Town has a betterment in the contract for the State contractor to construct new water and sanitary sewer systems. The betterment covers the construction of new systems requested by the Town. The cost of any relocation of existing systems being replaced in kind because of the State project shall be borne by the State of New York. All water and sewer work shall adhere to Town of LaGrange specifications, details and requirements. The proposed locations for the new water and sanitary sewer systems as well as all specifications, details and notes for the State contractor to build the new systems are included in the project plans and proposal.

The Town will work with the State contractor in order for the State contractor to make the necessary connections to the existing systems. It is required that at least one (1) week prior to the beginning of any work on or in the vicinity of the Town owned facilities, the State contractor shall contact the Town to inform them that the work on their facilities is beginning and afford them the opportunity to have personnel on site and to give advance notice to property owners.

All existing hydrants being removed as part of the project shall be safely stored by the State contractor for pickup by the Town.

The application for any health department permits or approvals required for the water main and sanitary sewer work on the project will be completed by the State and signed/submitted by the Town as the facilities owner. The State will provide necessary work descriptions and all required attachments for such application including but not limited to construction specifications and professional engineer-stamped plans.

The State contractor will be required to purchase and maintain an inventory of water main

pipe appurtenances to be stored on site. The on site inventory is required in order to provide ready access to materials needed for emergency repair of the existing water line in the event of accidental damage to the existing facility during construction activities. The cost shall be included in the price bid for the various water line items in the contract.

The inventory of materials is to be approved by the Town of LaGrange Water Department.

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 20th day of July 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 22ND day of July in the year of 2013.

Rose Ann Simpson
Notary Public

My commission expires 1/4/2014

PUBLIC NOTICE
NOTICE IS HEREBY GIVEN that the State Comptroller has caused the fiscal affairs of the Town of LaGrange to be examined from January 1, 2011 through September 30, 2012, and that the report of such examination was filed in my office on July 12, 2013; where it is available as a public record for inspection by all interested parties.
Christine O'Reilly - Rao
LaGrange Town clerk
July 13, 2013
2595

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

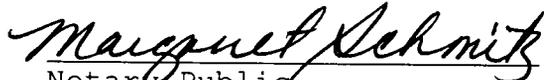
STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 12th day of July, 2013, I duly caused a copy of the attached Public Notice to be conspicuously posted on the sign-board maintained pursuant to Town Law section 30(6) located at the entrance of Town Hall, 120 Stringham Road, LaGrangeville, New York.



Christine O'Reilly-Rao, Town Clerk

Sworn to before me this
July 26, 2013

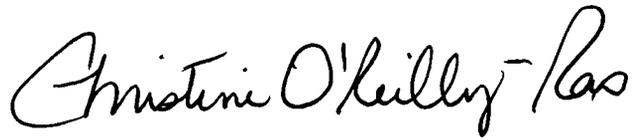


Notary Public

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the State Comptroller has caused the fiscal affairs of the Town of LaGrange to be examined from January 1, 2011 through September 30, 2012, and that the report of such examination was filed in my office on July 12, 2013; where it is available as a public record for inspection by all interested parties.

A handwritten signature in black ink that reads "Christine O'Reilly-Rao". The signature is written in a cursive, flowing style.

Christine O'Reilly - Rao
Lagrange Town clerk
July 13, 2013

OFFICE OF THE NEW YORK STATE COMPTROLLER



DIVISION OF LOCAL GOVERNMENT
& SCHOOL ACCOUNTABILITY

Town of LaGrange

Selected Financial Activities

Report of Examination

Period Covered:

January 1, 2011 — September 30, 2012

2013M-107



Thomas P. DiNapoli

REC'D
7-12-13
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State of New York Office of the State Comptroller

Division of Local Government and School Accountability

July 2013

Dear Town Officials:

A top priority of the Office of the State Comptroller is to help local government officials manage government resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and Town governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard local government assets.

Following is a report of our audit of the Town of Lagrange, entitled Selected Financial Activities. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the General Municipal Law.

This audit's results and recommendations are resources for local government officials to use in effectively managing operations and in meeting the expectations of their constituents. If you have questions about this report, please feel free to contact the local regional office for your county, as listed at the end of this report.

Respectfully submitted,

*Office of the State Comptroller
Division of Local Government
and School Accountability*



State of New York Office of the State Comptroller

EXECUTIVE SUMMARY

The Town of Lagrange (Town) is located in Dutchess County, covers an area of about 40 square miles, and serves approximately 15,700 residents. The Town is governed by the Town Board (Board) which comprises the Town Supervisor (Supervisor) and four Board members. The Board is responsible for the general management and control of the Town's financial affairs. The Supervisor, who serves as the chief financial officer, is responsible, along with other administrative staff, for the day-to-day management of the Town under the direction of the Board.

The Town has two Justices; each Justice has a clerk to assist them. During our audit period, there were three different Justices; one left office in July 2012 and was replaced by the current Justice. The Court received \$146,479 of bail money and \$903,837 in fines and surcharges during our audit period.

The Town's 2011 and 2012 budgeted appropriations for all funds were approximately \$10 million and \$10.1 million, respectively.

Scope and Objective

The objective of our audit was to examine potential cost savings and internal controls over the Town's financial operations for the period January 1, 2011, through September 30, 2012. We extended our review back to 2008 to review certain transactions in the Justice Court. Our audit addressed the following related questions:

- Can savings be achieved in the area of payroll processing costs?
- Were internal controls over Justice Court operations appropriately designed and operating effectively to ensure the proper accounting and reporting of financial transactions?
- Did the Board ensure that the Town's information technology (IT) system was adequately secured and protected against unauthorized access and loss?

Audit Results

Although the Town uses accounting software that supports the payroll process and paycheck printing, the Town has contracted with a company to process the weekly payroll with data supplied by the Town. We found that the Town could potentially save as much as \$7,000 annually if it used assets that it already owns to process and print payroll checks in house.

The Town's two Justices did not ensure that internal controls over Court operations were appropriately designed or operating effectively. Town officials cannot identify which of the two clerks performed a transaction because their system identifications were identical. Also, we identified 36 cases that were deleted from the Court's system; the reasons for the deletions were not documented. Further, 166 cases were not reported to the State Comptroller's Justice Court Fund. As a result, public moneys are at risk of loss and/or misappropriation without detection.

The Town's IT internal controls need to be improved. The Town did not implement a comprehensive data backup procedure. In addition, we found inappropriate use of the Town's computers at the highway department. Further, Town officials did not ensure that user access rights were terminated upon separation from service, and users did not log off the system when they were not using it. As a result, the Town's computer system is at risk of loss and damage to Town data.

Comments of Local Officials

The results of our audit and recommendations have been discussed with Town officials and their comments, which appear in Appendix A, have been considered in preparing this report. Town officials generally agreed with our findings and indicated they have already initiated, or plan to initiate, corrective action. Appendix B includes our comment on an issue Town officials raised in their response.

Introduction

Background

The Town of Lagrange (Town) is located in Dutchess County, covers an area of about 40 square miles, and serves approximately 15,700 residents. The Town is governed by the Town Board (Board) which comprises the Town Supervisor (Supervisor) and four Board members. The Board is responsible for the general management and control of the Town's financial affairs. The Supervisor, who serves as the chief financial officer, is responsible, along with other administrative staff, for the day-to-day management of the Town under the direction of the Board. The Town Comptroller (Comptroller) is responsible for the administration and management of the Town's finances and is also the information technology (IT) administrator.

The Town has two Justices; each Justice has a clerk to assist them. During our audit period, there were three different Justices; one left office in July 2012 and was replaced by the current Justice. The Court received \$146,479 of bail money and \$903,837 in fines and surcharges during our audit period.

The Town provides various services to its residents including maintenance and improvements of Town roads, snow removal and general government support. These services are financed mainly by real property taxes, departmental income, and State aid. The Town's 2011 and 2012 budgeted appropriations for all funds were approximately \$10 million and \$10.1 million, respectively.

Objective

The objective of our audit was to examine potential cost savings and internal controls over the Town's financial operations. Our audit addressed the following related questions:

- Can savings be achieved in the area of payroll processing costs?
- Were internal controls over Justice Court operations appropriately designed and operating effectively to ensure the proper accounting and reporting of financial transactions?
- Did the Board ensure that the Town's IT system was adequately secured and protected against unauthorized access and loss?

Scope and Methodology

We examined the Town's payroll processing costs, Justice Court, and IT operations for the period January 1, 2011, to September 30, 2012. We extended our review back to 2008 to review certain transactions in the Justice Court. Our audit disclosed areas in need of improvement

concerning IT controls. Because of the sensitivity of some of this information, certain vulnerabilities are not discussed in this report but have been communicated confidentially to Town officials so they could take corrective action.

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). More information on such standards and the methodology used in performing this audit are included in Appendix C of this report.

**Comments of
Local Officials and
Corrective Action**

The results of our audit and recommendations have been discussed with Town officials and their comments, which appear in Appendix A, have been considered in preparing this report. Town officials generally agreed with our findings and indicated they have already initiated, or plan to initiate, corrective action. Appendix B includes our comment on an issue Town officials raised in their response.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of the General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make this plan available for public review in the Clerk's office.

Cost Savings

Town officials should monitor all costs incurred by the Town. Control procedures also can be used to keep operating costs as low as possible. Town officials should continually monitor operations and use available and acquired resources to control or reduce costs.

The Town's accounting system can support every aspect of the payroll processing function. However, instead of using its system to process payroll, the Town contracts with a human resources company (contractor) for payroll services. These services include direct deposit processing and remitting tax payments. The Town paid the contractor \$11,978 in 2011 for the payroll services and \$9,486 from January 1 to September 30, 2012. The payroll clerk enters employees' payroll information into the contractor's system and the company prints checks, processes the direct deposits, and mails the checks and paystubs to the Town.

We determined that the Town could achieve \$7,000 per year in cost savings if it processed its own payroll. We contacted the Town's current accounting software company to document any additional costs the Town would incur if it used the software's payroll module. We also contacted two nearby towns that had a similar number of employees and used the same software.¹ The clerks from both towns stated that it takes approximately two hours every week to process payroll and an additional eight hours annually to process employee W-2 forms.

Using the information provided by the other towns, we calculated that, if the Town were to process its own payroll, it would cost \$3,960 in salary based on the payroll clerk's current hourly rate plus \$1,000 a year for check stock, paper and ink. Therefore, if the Town was to process its own payroll, it would cost approximately \$5,000 per year instead of the approximately \$12,000 it is currently paying the contractor. The Town's potential cost savings would be approximately \$7,000 annually if it processed the payroll rather than contracting with an external vendor to perform this function.

The Comptroller told us that she entered into an agreement with the contractor in 2004 because she was the only person in the department and needed help to process the payroll at that time. There are currently

¹ The Town of LaGrange has 175 employees; we contacted the Town of Wappingers, which has approximately 165 employees, and the Town of Montgomery, which has approximately 155 employees, for comparative purposes.

three employees working in the Comptroller's office; therefore, it appears there is sufficient staff to process the payroll in house.

By not utilizing the payroll module included in the accounting software, the Town is incurring unnecessary expenses because it is contracting for services that it could perform with current staff and the resources it already owns.

Recommendation

1. Town officials should consider using the payroll module included in the accounting software to process its payroll.

Justice Court

Justices are responsible for ensuring that Court financial transactions are processed and recorded and financial reports are filed in a timely manner with the State Comptroller's Justice Court Fund (JCF); pertinent laws, rules and regulations are followed; and regular monitoring and reviewing of Court personnel work performance is done. Although the Justices are primarily responsible, the Board also shares responsibility for overseeing Court operations. Without adequate oversight, accountability over the Court's financial operations is diminished. Justices may employ a clerk to assist them in meeting their responsibilities.

The Town's Justices did not ensure that the internal controls over Court operations were appropriately designed or operating effectively. The Court's computer system does not allow the Justices to identify which of the two clerks performed transactions because their system identifications were identical. Also, we identified 36 cases that were deleted from the Court's system; the reasons for the deletions were not documented. Further, 166 cases were not reported to JCF. As a result, public moneys are at risk of loss and/or misappropriation.

Computer Access

Access controls provide reasonable assurance that computer resources are protected against unauthorized modification, disclosure, loss or impairment. An important access control is unique usernames for all persons authorized to use the computer system. Unique user names help identify which employee performed a function within the computer system and create an audit trail to identify any errors or irregularities.

The Court has two clerks, one for each Justice. Each clerk is responsible for collecting payments for the cases for the Justice who she is assigned to work for and entering the information into the computerized Court records system. The person who is logged into the computer and enters information is identified on the entry with her initials. During our audit period, the two clerks had the same initials and no changes were made to the system to differentiate the two clerks. One of the clerks no longer works for the Court; however, by not having unique user identifications, it is impossible for Court officials to determine who entered specific transactions. The current clerk stated that she was not aware of the problem and did not know that initials were associated with the entries.

When it is impossible to identify who made specific transactions, the risk is increased that errors and irregularities could occur without detection or correction.

Deletions

Charges are tickets issued to individuals for traffic violations; they are identified by ticket or case numbers. Electronic tickets are directly downloaded from the Internet into the Court system. A charge deletion occurs when a ticket that was downloaded into the Court system from the record of tickets that the police issued to offenders is subsequently deleted from the system. Such deletions should be supported by documentation showing that the deletion was appropriate and to maintain proper controls over Court operations.

The Court's software system does not produce an audit trail of activity for the Justices or clerks to review. Furthermore, it permits files to be deleted. We obtained a log of all deletions made in the system from a backup file of the computerized data and identified 36 cases² that were deleted from the system. Nine of these cases with fines and surcharges totaling \$1,875 were reentered because the initial case numbers were incorrect or the cases had already been processed; however, 27 of the cases were never reentered into the system and were not processed. In addition, because the deleted cases were not processed, these cases were never prosecuted and, therefore, no fines were issued.

The current clerk stated that she does not delete charges and does not know the reason for the deletions.² Since both clerks had the same initials, Town officials cannot determine which clerk actually deleted the cases. As a result, the Town may not be receiving revenues from all tickets issued because cases were deleted and not processed.

Unreported Cases

All cases which are handled by the Court should be reported to JCF, even if the matter is dismissed. The Town may be entitled to a fee even if the case is dismissed. If a case is adjourned in contemplation of dismissal (ACD), it is not to be reported as "dismissed" until six months or, in the case of certain family offense matters, one year has elapsed following such adjournment. All cases that are disposed (settled) must be reported to JCF by the tenth of the following month.

We identified 190 disposed cases; 166 of these cases should have been reported to JCF and were not. The 166 cases included 98 cases that were dismissed and 68 cases that were covered by another ticket. Fifty-six of the 98 dismissed cases that were not reported were ACDs that had been dismissed after six months. The clerk stated that she had not reported these cases to JCF because she did not have time. By not reporting the cases to JCF, the Town may not be receiving funds that it is entitled to.

² Because these cases had not yet received judgments, they were not issued fines.

Recommendations

2. The Justices should ensure that the clerks' records have unique identifications as to who entered information.
3. Town officials and Justices should ensure that the clerks document the reason for deletion of cases and ensure that all tickets issued are processed.
4. The Justices should ensure that the clerks follow up on ACD cases and report all cases to JCF.

Information Technology

Town officials are responsible for adopting policies and procedures and developing internal controls to safeguard computerized data and assets. Computerized data is a valuable resource; Town officials rely upon this data for making financial decisions and reporting to State and Federal agencies. If the computers on which this data is stored fail or if the data is lost or altered, the results could range from inconvenient to catastrophic. Even small disruptions in electronic data systems can require extensive employee and consultant effort to evaluate and repair. For this reason, the access to and use of computerized data and assets should be controlled and monitored.

We found weaknesses in the Town's internal controls over IT. Town officials have not implemented comprehensive backup procedures. In addition, we found inappropriate use of the Town's computer at the highway department. Finally, Town officials did not ensure that user access rights were terminated upon separation from service and users did not log off the system when they were not using it. As a result, the Town's computer system is at risk of loss and the Town's data could be damaged.

Data Backup

A strong system of internal controls includes a system to back-up (i.e., create a copy of) computer-processed data. Good business practices require Town officials to run daily backups to keep the back-up data as current as possible, and to store back-up data at an environmentally and physically secure offsite location for retrieval in case of an emergency.

Town officials have not adopted comprehensive data backup policies and procedures for the Town's computer-processed data. Although backups are set on the server to automatically run every night on an external backup drive, backups are not sent to an offsite location. Backups are stored onsite in the server room, next to the server. Storing the backups onsite subjects the back-up data to the same risks (disasters) as the original data and defeats the purpose of backup control procedures.

Inappropriate Computer Use

Many municipalities find that the Internet is a nearly indispensable resource for conducting business. However, users are susceptible to significant threats from cyber criminals who exploit the vulnerabilities of IT systems to gain unauthorized access to sensitive data. For example, computers can be infected by malicious software (malware)³

³ Malware is designed to infiltrate a computer system by circumventing network defenses, avoiding detection, and resisting efforts to disable it.

that can install a keystroke logger that captures computer user identification and password information. Internet browsing increases the likelihood that users will be exposed to some form of malware that may lead to a compromise of data confidentiality. Town officials can reduce the risks to the Town's sensitive data and IT assets by using web filters that limit websites users may visit.

The Town does not use a filter that restricts access to websites with known malicious content and blocks Internet threats (such as spyware and phishing sites). Without this filter, users could access any website without restriction and could download software from legitimate websites that may unknowingly be compromised. We tested five computers including the computer used by the Highway Superintendent. This computer was not secured or networked; any employee could access the computer because it was left on and unattended throughout the day and evenings. In fact, we found that employees at the highway department accessed inappropriate adult websites.

The Highway Superintendent told us that he does not log off his computer and permits employees to have access to his computer using his user name and password. Because the Highway Superintendent did not log off his computer and permitted other employees to use the computer when he was signed on to it, Town officials cannot identify the individual or individuals that used the computer inappropriately. We did not find any inappropriate activity on the remaining four networked computers that we tested.

Because the Town did not have filters in place, Town employees were able to access inappropriate websites. Further, malicious software also could infiltrate the computer, thereby potentially destroying, manipulating, or stealing data on the computer that contained sensitive information.

Termination of Access Rights

Good internal controls should include policies and procedures designed to limit access to data. Town employees are assigned user accounts to enable them to access the network. All changes to user accounts – including additions, deletions, and modifications – should be authorized and approved, in writing, by an appropriate official and user accounts should be deactivated as soon as employees leave Town service.

The Board has not adopted comprehensive user access policies and procedures for terminating users' access rights. As a result, the user accounts for 11 individuals who left Town service between 2003 and 2012 were not deactivated. The IT administrator told us that the IT

consultant was supposed to remove inactive employees from the active directory.

Failure to timely remove access rights for inactive employees increases the risk that unauthorized users could inappropriately gain access to the system and change, destroy, or manipulate data and computerized assets. Leaving such accounts active could allow for inappropriate access by an unauthorized individual.

Computer Log Off and Shut Off

It is important to encourage users to log off their accounts before stepping away from the computers and require users to shut off computers before they leave for the day. This control prevents others from viewing users' passwords and gaining inappropriate access to their user accounts. If a computer stays logged on and the user is not monitoring their computer, others could inappropriately use the account to access systems and data. Settings should be established that will lock a user's account after a specified period of non-use, requiring the employee to log on to be able to use the computer.

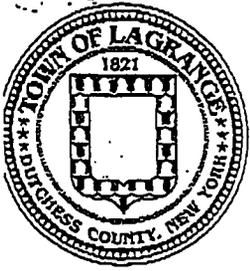
Employees do not always log off the system. For example, one active employee last logged on to the system on December 14, 2010, and had not logged off the computer since that date. If a computer stays logged on without the user present, others can inappropriately access the user's files or other data. By not logging off the computer, there is high risk that the computer can be used for unauthorized activities and to expose sensitive information and records.

Recommendations

5. Town officials should ensure that backup data is kept at an offsite location.
6. The Board should use web filters to limit Internet access.
7. The Board should develop and adopt a policy and procedure for the deactivation of user accounts as soon as employees leave Town service.
8. The Board should develop a comprehensive IT policy and procedures to properly secure the Town's computer systems, which includes providing Town staff with detailed guidelines for the proper use of IT resources and log off guidance.

APPENDIX A
RESPONSE FROM LOCAL OFFICIALS

The local officials' response to this audit can be found on the following pages.



TOWN OF LAGRANGE

120 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
845-452-1830 845-473-7079 FAX

July 1, 2013

State of New York
Office of the State Comptroller
Newburgh Regional Office
33 Airport Center Drive, Suite 103
New Windsor, NY 12553

To Whom it May Concern:

After reading your draft audit report dated June 5, 2013, the Town of LaGrange offers the following response:

1. **Recommendation:** Town officials should consider using the payroll module included in the accounting software to process its payroll.

Response: We are currently conducting a cost-savings analysis to determine whether or not the Town would benefit from bringing payroll back in-house.

2. **Recommendation:** The Justices should ensure that the clerks' records have unique identifications as to who entered information.

Response: Dual logins may have occurred prior to 1-1-2011. Since then there have been no dual logins. One clerk's username has been changed to ensure that there will be no recurrence.

3. **Recommendation:** Town officials and Justices should ensure that the clerks document the reason for deletion of cases and ensure that all tickets issued are processed.

Response: Most deletions occurred prior to 1-1-2011. Recently, some deletions were made due to the fact that cases are downloaded from police agencies after cases were filed and set up manually. Going forward, the clerks will note the duplications when cases are deleted.

4. **Recommendation:** The Justices should ensure that the clerks follow up on ACD cases and report all cases to JCF.

Response: All ACD cases are now being reported and the clerks are following up on all cases.

5. **Recommendation:** Town officials should ensure that backup data is kept at an offsite location.

Response: We have begun using a cloud service for storage of our backup data.

6. **Recommendation:** The Board should use web filters to limit internet access.

Response: The Town has sent out an RFP for IT Services, and will address this issue when a consultant is decided upon.

7. **Recommendation:** The Board should develop and adopt a policy and procedure for the deactivation of user accounts as soon as employees leave Town service.

Response: The Town has begun this practice and will be sure that user accounts are deactivated immediately upon an employee's separation from the Town.

8. **Recommendation:** The Board should develop a comprehensive IT policy and procedures to properly secure the Town's computer systems, which includes providing Town staff with detailed guidelines for the proper use of IT resources and log off guidance.

Response: The Town's employee handbook provides guidelines and restrictions for the use of Town computers and internet. We admit, however, that there may be some details that need to be added. This will be explored further when an IT consultant has been decided upon.

As an added note, a correction is required in the audit's introduction. The Town Board is comprised of the Town Supervisor and four Board members, not three.

See
Note 1
Page 18

It also should be said that the examiner-in-charge, [REDACTED] was a pleasure to work with. She had to endure some difficult conditions during her time spent with us at our temporary location, and we thank her for her patience and understanding during what was a very difficult time for all of us.

Sincerely,



Joseph Luna
Town Supervisor

APPENDIX B

OSC COMMENTS ON THE LOCAL OFFICIALS' RESPONSE

Note 1

From July 2012 through February 2013, which included our audit period, the Town had three Board members and an Interim Supervisor following the death of the elected Supervisor. As of February 13, 2013, a fourth Board member was appointed. Under normal circumstances, the Supervisor and four Board members serve on the Town Board. We have updated our report to include the fourth Board member.

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

Our overall goals were to determine potential cost savings for the Town and to examine internal controls over the Town's financial operations. To accomplish our audit objective and obtain valid audit evidence, we performed the following procedures:

- We reviewed Town operations for potential cost savings in payroll processing.
- We interviewed employees from two comparable towns and gained information on their respective towns' procedures and costs for processing payroll.
- We interviewed the court clerks concerning Court operations to understand the internal control system and to determine whether Court operations complied with rules and regulations.
- We compared Court cash receipts and disbursements with supporting documentation such as case files, records of bail transactions, and reports to JCF.
- We contacted the Town's software vendor for cost information.
- We performed audit software tests on five Town computers.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX D

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OFFICE OF THE STATE COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY

Andrew A. SanFilippo, Executive Deputy Comptroller
Nathalie N. Carey, Assistant Comptroller

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TOWN OF LAGRANGE HIGHWAY DEPARTMENT

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

DATE: July 17, 2013
TO: The Town Board
FROM: Michael Kelly
RE: Surplus Equipment Bid Recommendations

Town Board,

It is my recommendation that we accept the following Bids for the Surplus Equipment in the amount of \$17,213.00. The company listed below was the highest bidder. Also note that 2 vehicles were removed from list as we are not ready to sell. (1998 Chevy 2500 & 1988 Mack)

1. Baroni Recycling Inc.

<u>YEAR</u>	<u>COLOR</u>	<u>MAKE / MODEL</u>	
1996	Green	Chevy / Pick-up	401.00
1999	Red	Chevy / Pick-up	401.00
1995	Green	GMC / Pick-up	401.00
1996	Green	Chevy / Blazer	401.00
1997	White	Ford / Expedition	451.00
1997	White	Ford / Expedition	451.00
1999	Blue	Ford / Taurus Sedan	351.00
1998	Green	Ford / Taurus LX	351.00
1988	Orange	Mack 6 Wheeler	2,601.00
1989	Orange	Mack 10 Wheeler	3,601.00
1989	Orange	Mack 6 Wheeler	2,601.00
1995	Orange	International 6 Wheeler	2,601.00
1995	Orange	International 6 Wheeler	<u>2,601.00</u>
			\$17,213.00

Should you have any questions in regards to this recommendation, please contact me.

Thank you,

Michael Kelly,
Superintendent of Highways

received
7/22/13

TOWN OF LAGRANGE
BUILDING DEPARTMENT
120 Stringham Road, LaGrangeville, NY 12540
845-452-1872; Fax 845-452 7692

To: Joe Luna, Supervisor and
Town Board

From: Ken McLaughlin, Building Inspector

Date: July 23, 2013

Re: Property Maintenance

Please be advised that the following properties have been, or will be served with Order to Remedy Violations for failure to perform property maintenance pursuant to the Property Maintenance Code Chapter 181:

15 Sedgewick Road
9 Vail Road
6 Baldwin Road
246 Titusville Road
110 Bushwick Road
196 Smith Road
31 Pulling Road
41 Red Oaks Mill Road

Respectfully submitted,



Kenneth W. McLaughlin
Building Inspector

KWM/sq