STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE

TOWN BOARD MEETING
June 25, 2014

Present:	Supervisor Alan Bell Councilman Joseph Luna Councilman Edward Jessup Councilman Gary Polhemus
Absent:	Councilman Andrew P. Dyal
Recording Secretary:	Christine O'Reilly-Rao, Town Clerk
Others Present:	Ron Blass, Esq. Van De Water & Van De Water Wanda Livigni, Planning & Public Works

The regular meeting of the Town Board was held on Wednesday, June 25, 2014, at 120 Stringham Road, Town of LaGrange. Supervisor Bell called the meeting to order at 7:00 pm. The Town Clerk led the flag salute.

Mr. Bell asked for a motion to accept the minutes for June 11, 2014. Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried unanimously.

Correspondence

Mr. Bell stated that changes to channels on Time Warner Cable will be on file in the Clerk's office for one week.

Agenda

Performance Bond: Country Commons (SEE ADDENDUM)
Councilman Luna moved to approve the Performance Bond for Country Commons, seconded by Councilman Jessup. The motion carried unanimously.

Resolution: Property Purchase 18 Red Oaks Mill Road (SEE ADDENDUM)

Mr. Blass advised the Board that before passing the resolution a Short Environmental Assessment and Negative Declaration would have to be passed. A brief discussion followed. No action was taken.

Mr. Bell stated that Leslie Klein had passed the Dutchess County test for the position of Accountant. Her salary will be $20.26.
Councilman Luna moved to approve the appointment of Leslie Klein as Accountant, seconded by Councilman Jessup. The motion carried unanimously.

Supervisor Bell stated that the Board was to consider an audit of legal fees incurred because of an application from Myles Landstein to the Zoning Board of Appeals regarding the erection of a ham radio tower. The fees date back to April 2012.

Mr. Jon Adams, representing Mr. Landstein, addressed the Board as to the fees to be audited. His complete presentation to the Board may be found in the addendum.
Mr. Adams stated that Mr. Landstein had been injured in an accident and he was unable to be at the meeting. Mr. Bell asked if he would like the matter shelved for a period of time.

Mr. Adams asked for a month's delay. Councilman Polhemus did not have a problem with a postponement, but added that he felt the fees were valid. He stated that he was just interested in making a reasonable accommodation to Mr. Landstein's injury. Both Mr. Jessup and Mr. Luna did not wish to have the matter shelved.

Supervisor Bell asked for clarification about bills sent to Mr. Landstein. Ms. Livigni stated that, in the Planning Board stage, monies were frequently requested and some had been paid. A discussion followed.

Supervisor Bell asked the Board if they would be willing to postpone the matter for 30 days in order to allow the applicant to recover from his injury and address the Board.

Mr. Blass suggested that there be a condition that during the duration of the extension granted by the Town Board, there would be no continuation of the matter before the Zoning Board. Ms. Livigni asked what would be done should another submission be filed by Mr. Landstein during the extension. Mr. Bell answered that no action should be taken as it would only incur further expense to the Town. The matter was shelved for 30 days.

Supervisor Bell asked for a motion to appoint a liaison from the Town to NYSERDA-RUPCO. Councilman Jessup moved to appoint the CAC as liaison, seconded by Councilman Polhemus. The motion carried unanimously.

Councilman Luna, seconded by Councilman Jessup moved to approve the Bid proposal for the Transfer Station. The bids will be opened on July 8, 2014.

The Recreation Director asked for approval for equipment purchases. (SEE ADDENDUM)
Councilman Jessup moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously. Councilman Luna, seconded by Councilman Polhemus moved to approve the price adjustments on the equipment. The motion carried unanimously. (SEE ADDENDUM)

Bond Resolution: Highway and Parks Department Purchases (SEE ADDENDUM)

The Comptroller requested approval for various Budget Transfers and Amendments. (SEE ADDENDUM)
Councilman Polhemus, seconded by Councilman Jessup moved to approve the request.

Ms. Livigni recommended the Board approve execution of an agreement from Dutchess County Public Works Noxon Road Rehabilitation Project. (SEE ADDENDUM)
Councilman Luna, seconded by Councilman Jessup moved to approve execution of the Agreement.

Committee Reports

Water and Sewer
Mr. Luna stated that the Titusville plant had passed an inspection by the DEC.

Recreation
Two big trees at Freedom Park had to be taken down. Mike Kelly had the County do it and saved the Town about $4,000.00.

Open Space
No report

Highway
No report

Business Economic Development
No report

Town Attorney
No comment

Administrator of Planning and Public Works

Ms. Livigni informed the Board that she had advertised for bids for the Saxon Road Pump Station. No borrowing will be necessary for the project.

Public Comment

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

A resident asked about the progress of the Route 55 corridor project and the Town Center.

Ms. Livigni stated that the roundabouts are on schedule to be finished by September. The remaining work is slated to be done by December.

Mr. Bell stated that the Town Center would likely start at the fringes and work its way inward. He said development depends on the state of the economy.

Carl Valentino stated that there is a need to have an arrow at Titusville and Noxon Roads.

Mr. Bell stated that the County has scheduled a complete re-design for that intersection next year.

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

Town Board Discussion

A discussion on re-zoning three Page properties on Firemen's Way from Industrial to C-1 took place. A C-1 designation would allow for more diverse businesses to operate there.

In answer to a question from the audience, Mr. Bell explained the difference in the classifications of Industrial and Commercial-1.

Ms. Livigni stated that the Map, Plan & Report for the Overlook PDD had been revised. The Board discussed the execution of a Supplemental Sewer District Agreement for the development. Mr. Bell asked for a motion to approve the execution of the agreement with a deadline of July 7, 2014. Councilman Luna seconded the motion. (SEE ADDENDUM)

The following vote was taken:

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

The motion carried.

Supervisor Bell asked for a motion to proclaim July 11, 2014 as Judy Rosenfeld Appreciation Day in recognition of her volunteer efforts for the LaGrange Library. Councilman Luna, seconded by Councilman Polhemus moved to approve the proclamation. The motion was carried by all.

Councilman Jessup moved to adjourn the meeting to Executive Session at 8:40 pm to discuss Collective Bargaining. Councilman Luna seconded the motion and it carried unanimously.

Councilman Jessup moved to adjourn at 9:26 pm, seconded by Councilman Luna. The motion was carried by all.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Performance Bond: Country Commons
- Resolution: 18 Red Oaks Mill Road
- Memo: Jon Adams
- Memo: Recreation Equipment Purchase
- Memo: Recreation Equipment Price Adjustment
- Bond Resolution: Highway & Recreation Equipment
- Budget Transfer & Amendments
- Inter Municipal Agreement: Noxon Road Rehabilitation Project
- Supplemental Sewer Agreement: Overlook PDD

PERFORMANCE BOND

Bond given by Popoli Family LTD, a New York Limited Partnership, with its principal place of business located at 11 Hobby Farm Lane, Bedford, New York 10506 ("Obligor") to the Town of LaGrange, a municipal corporation whose Town Hall is located at 120 Stringham Road, LaGrangeville, New York 12540 ("Obligee"), dated _____, 2014.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of $75,000.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, the Obligor made application to the Planning Board of the Town of LaGrange for site plan approval for the Country Commons Site, located at the corner of State Routes 55 and 82, LaGrangeville, New York, ("the Country Commons Site"), and

WHEREAS, the Obligor was granted conditional final site plan approval by the Planning Board of the Town of LaGrange, and

WHEREAS, the Obligor must perform the following in accordance with the site plan and to the satisfaction of the Town of LaGrange:

1. Installation of top coat on the parking lot no later than October 1, 2014; and
2. Completion of final parking lot striping no later than October 15, 2014; and
3. Inspections shall be conducted by the Town or its authorized representatives or agents to confirm the completion of the site in accordance with the site plan approval granted by the Town of LaGrange Planning Board. Inspections shall occur at the stage of pre-paving site preparation, during paving, and upon the completion of paving. Any nonconformity which is identified by the Town must be brought into compliance no later than October 29, 2014.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly make all of the aforesaid improvements or corrections in compliance with the time requirements set forth hereinabove, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect after said time.

The Obligor shall at all times provide the Obligee with such security or surety as the Obligee shall reasonably deem sufficient. In furtherance of this covenant, the Obligor has

obtained and hereby delivers to the Town of LaGrange the following security for faithful performance of this obligation: cash deposit $75,000.

The Obligor shall pay all reasonable and necessary costs and attorney's fees incurred by the Town in connection with the preparation of this performance bond, and any such fees or costs incurred by the Town to address any breach of this performance obligation, and this clause shall in no way limit or reduce Obligor's obligation to defray any consulting fee expense incurred by the Town consistent with Section 240-88 of the Town Code of the Town of LaGrange.

In the event of Obligor's nonperformance of any obligation under this performance bond, the Town shall have the right, but not the obligation to Obligor or any third party, to enter upon the Country Commons Site for the purpose of arranging completion of any physical improvements or corrections identified within this instrument. The Town shall have the right to apply the cash security established by this performance bond to remedy any non-performance of obligations undertaken by the Obligor in this instrument.

Country Commons LLC is the owner of the Country Commons Site and signs this instrument to provide the right of entry set forth within this paragraph.

The Obligor and the Town do not intend that there is any third party beneficiary in relation to this instrument.

Dated: _____

Popoli Family, LTD

By: _____
Name:
Title:

Country Commons LLC

By: _____
Name:
Title:

RESOLUTION

Councilman _____ offered the following resolution which was seconded by

Councilman _____, who moved its adoption:

WHEREAS, the parcel is in an ideal location for a wastewater facility which would accommodate older, dense, predominantly "up-hill" developments that have recently had septic failures and are extremely challenged to properly continue standard septic systems; and

WHEREAS, this location would also be a viable way to achieve the Town Board's goals of providing sewer service to the proposed "Gateway Hamlet" zone; and

WHEREAS, the parcel abuts the Wappinger Creek and provides the ability for direct discharge to the creek without additional land acquisition; and

WHEREAS, the parcel is large enough to support a Town Park in conjunction with a wastewater facility which would provide a unique opportunity to enhance the passive recreation experience in an area of Town that is in need of additional recreational facilities;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the purchase of said property, GRID # 133400-6260-02-658517-0000, located at 18 Red Oaks Mill Road in the Town of La Grange for the purchase price not to exceed $80,000.

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

Supervisor Bell

Councilman Jessup

Councilman Polhemus

Councilman Dyal

Councilman Luna

DATED: Lagrangeville, New York
June 25, 2014

_____
CHRISTINE O'REILLY-RAO
La Grange Town Clerk

CORBALLY GARTLAND AND RAPPLEYEA LLP **Memorandum**

35 Market Street, Poughkeepsie, NY 12601
(845) 454-1110 (phone); (845) 454-4857 (fax)
jha@cgrlaw.com

To: Town Board Re: Landstein escrow(legal)

From: Jon H. Adams

Date: 6/25/2014

Please accept this informal memo to address the issue of payment of any consultant fees for legal work in this manner. Information provided last week by Mr. Blass suggests that his firm should be paid by Mr. Landstein for an amount in excess of $18,000.00 for payment for legal fees over a period commencing April 2012; additionally, the firm charged an additional $2,945.25 for planning board work for the same project (the role of the planning board is limited to approving the location of the tower on the site and our client attended one meeting).

First for perspective, the application involves the construction of a used 70 foot antenna for an amateur radio station. The use is for a hobby. The tower cost using used components would not exceed $1,000.00. Our client has been offered several towers without cost over the past several years but absent approvals, have not been able to accept these offers.

You have apparently been asked to audit legal commencing almost two years ago. The audit is untimely. An audit after the fact is meaningless. The fees have been incurred. No safeguards existed for the applicant for an audit made long after the train has left the station. He was not forewarned of this fee.

As a preface to my remarks, under federal standards which pre-empt local regulations, the town has the obligation to make a reasonable accommodation to permit the use of amateur radio towers (see *101 F.C.C.2D 952(1985)).* Reasonableness must be measured in a fiscal context as well as a permitting context, as if the town makes the use of a tower financially prohibitive, any other accommodation becomes meaningless and superfluous.

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Several New York courts have upheld this federal pre-emption for amateur radio towers (see, e.g. *Palmer v. City of Saratoga Springs et al, 180 F Supp 2nd 379(NDNY, 2001); Bodony v. Incorporated Village of Sand Point et al(681 F Supp 1099(EDNY, 1987).*

Equally important, Judge Pagones observed in an action involving the town that the imposition on an applicant of legal costs to be unlawful, observing that fees which are for the convenience of its boards cannot be passed on to an applicant (Wright *v. Town of LaGrange, 181 Misc2nd 625(St Ct, Dutchess County (1999) (see also Jewish Reconstruction Synagogue of the North Shore Inc. v. Incorporated Village of Roslyn Harbor, 40 NY2nd 158(1976)* at page 165[1]). Legal fees are necessarily for the convenience of the board at its attorney necessarily is a representative of the boards he advises, not the applicant. Judge Pagones' decision was recently followed by an Orange County Judge in *Sheri Torah Inc. v. Village of South Blooming Grove, 2010 N.Y.Misc. Lexis 2968(Lubell, J, 2010).*

The Court of Appeals in *Jewish Reconstruction Synagogue of the North Shore Inc. v. Incorporated Village of Roslyn Harbor, supra)* observed that the issue is not only the amount of a fee but also is the terms on which citizens may have access to a governmental function without being confronted with fees that are unreasonable, discriminatory or oppressive. That court further observed at page 165 that a municipality which seeks, as does the Town of LaGrange, to place the entire burden of a mandated governmental function (protection of the safety, welfare and health of its inhabitants) on an applicant acts in excess of its powers.

Imposition of a $20,000.00 escrow fee on a hobby at a bare minimum is oppressive.

[1] At question were legal fees for $2,322.00 legal fees for a variance to permit a church to use a house for religious worship and religious school.

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The Appellate Division, Second Department in similarly disallowed consultant fees in part because those fees were open ended and potentially unlimited. The pattern of open ended and potentially unlimited fees sought to be passed on by the town is borne out by the fact that the audit is sought after the fact rather than contemporaneously with the incurrence of those fees.

At no time until recently has the amount of the fees been previously disclosed to the applicant. No contemporaneous accounting was provided to him of his potential liability.

The expenditures sought to be imposed on Mr. Landstein have all the indica of unfettered spending by consultants without (1) regard to the nature of the application, the resources of the applicant, and the willingness of the applicant to incur such expenses, (2) the absence of any clear standards of the town to guide its consultants in the first instance, and (3) the absence of implementation of its actual controls even though the town has established the appearance of controls by section 240-88 of the zoning law.

We have reviewed the town board minutes for the past several years and find no implementation of these standards. I suspect if I submitted a FOIL request I would find that there has been a universal practice of the town paying consultant fees as submitted. It is not apparent that at any time during this process, a responsible town official took the time to the fee relative to the application and questioned what appears to be uncontrolled spending,.

The recent United State Supreme Court decision in *Koontz v. St. Johns River Management District (133 St. Ct 2586)(2013)* enlarged the heightened scrutiny given to municipal exactions to fees paid to as municipality. Imposing a $20,000.00 legal fee for a project that seeks to undertake a common hobby with no novel legal issues is not warranted.

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I suggested to the zoning board at the outset of my participation that there had to be some reasonable correlation between costs of the project, as found under *SEQR* and fees imposed. The *SEQR* fee structure presumably was influenced by the *Jewish Reconstruction Synagogue* standards. SEQR fees are limited to 2% of project costs, which does not include costs of structures. In this instance, there is no project costs as the applicant already owns his lot which has a primary purposes as a residence.

Going full circle, as our client is providing a public benefit through the operation of an amateur radio station, there must be a reasonable accommodation. The costs are wildly disproportionate to the project, which is to accommodate a hobby. Given the nature of this application reasonable accommodation can only be accomplished by waiving fees for legal services to the extent the town has the legal ability to impose them as the town afforded no protection for an applicant in the first instance to determine whether he wanted to incur fees of any dimension beyond the application fee.

Invoice #	Amount	Services	Cumulative Amount
100067	$1,484.65	April 2012	$4,429.90
101081	$1,031.25	June 2012	$5,395.15
101494	$412.50	July 2012	$5,807.65
102320	$792.00	September 2012	$6,599.65
102629	$543.07	October 2012	$7,142.72
102913	$412.50	November 2012	$7,555.22
103877	$4,869.64	January 2013	$12,424.86
104111	$1,056.00	February 2013	$13,480.86
104442	$189.75	March 2013	$13,670.61
104847	$33.00	April 2013	$13,703.61
10523	$49.50	May 2013	$13,753.11
105661	$330.00	June 2013	$14,083.11
106312	$247.50	August 2013	$14,330.61
106770	$1,320.00	September 2013	$15,650.61
106991	$1,031.25	October 2013	$16,681.86
107881	$99.00	December 2013	$16,780.86
107872	$24.75	December 2013	$16,805.61
108213	$1,056.00	January 2014	$17,861.61
108838	$412.50	March 2014	$18,274.11
109236	$462.00	April 2014	$18,736.11

TOWN OF LAGRANGE

PARKS & RECREATION DEPARTMENT
120 Stringham Road., LaGrangeville, NY 12540
845-452-1972 Fax 845-452-6563 lagrangeny.org

TO: Supervisor Bell and LaGrange Town Board

FROM: Sandy Washburn, Director of Parks & Recreation S Washburn

DATE: June 20, 2014

SUBJECT: Purchase Request for 72" Zero Turn Mower

Per the town Procurement Policy, three prices were received for the purchase of a zero turn mower for the Parks & Recreation Department. The following were presented to this department:

1. Keil Equipment Co, Hudson, NY $10,687.16
2. Adams Power Equipment, Poughkeepsie, NY $10,712.00
3. R. Argento & Sons, White Plains, NY $10,824.77

I am requesting to make the purchase of the zero turn mower from Adams Power Equipment for $10,712.00. We have developed a close working relationship with the team at Adams. They currently do some work on our equipment and they have come in to train our parks staff in areas of equipment maintenance as a complimentary service. The close proximity of Adams Power Equipment to our town maintenance shop also is a tremendous asset. For these reasons I would like the approval to purchase locally. Thank you for your consideration of this request.

TOWN OF LAGRANGE

PARKS & RECREATION DEPARTMENT
120 Stringham Road., LaGrangeville, NY 12540
845-452-1972 Fax 845-452-6563 lagrangeny.org

TO: Supervisor Bell and LaGrange Town Board

FROM: Sandy Washburn, Director of Parks & Recreation S. Washburn

DATE: June 20, 2014

SUBJECT: Price Adjustments to Equipment Requests

At the April 9th Town Board meeting, approval was granted for the purchase of a 72" Zero Turn Mower, a Wam Lawn Mower and a John Deere Utility Tractor. The approval was based on a memo dated March 31, 2014, which had price information prepared by Jeff Barnett, Parks Department Foreman. Based on information I have gathered since becoming Director of Parks & Recreation, I have determined that these price estimates are not current pricing and had been taken from old prices derived by Peter Huff. I am requesting that the board approve the following prices for this equipment:

1. Zero Turn Mower — old price: $10,271 — **new price: $10,712**
2. Wam Mower — old price: $45,000 — **new price: $49,818**
3. John Deere Tractor — old price: $40,000 — **new price: $45,475**

I appreciate your understanding of this matter as it has taken me a bit of time to sort through the events that took place just prior to my appointment. If you have any questions I would be happy to address at your convenience.

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of LaGrange, Dutchess County, New York, held at the Town offices at 120 Stringham Road, in LaGrangeville, New York, in said Town, on the 25th day of June, 2014, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Bell
Councilman Luna
Councilman Jessup
Councilman Polhemus

ABSENT: Councilman Dyal

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

BOND RESOLUTION DATED JUNE 25, 2014

A RESOLUTION AUTHORIZING THE ISSUANCE OF $638,690.52 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURCHASES FOR USE BY THE TOWN PARKS AND HIGHWAY DEPARTMENTS

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 following are hereby authorized in and for the Town of LaGrange, Dutchess County, New York:

a) The purchase of one (1) John Deere 5075M Utility Tractor with Mower at a maximum estimated cost of $72,587.10, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

b) The purchase of one (1) new 4X2 6-wheel dump cab and chassis at a maximum estimated cost of $116,147.32, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

c) The purchase of one (1) dump body, with hydraulics, front plow, hoist and side wing, at a maximum estimated cost of $84,474.10, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

d) The purchase of three (3) new truck cabs and chassis, at a maximum estimated cost of $125,965.00, being a class or objects or purposes having a period of

probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law;

e) The purchase of three (3) new 3-4 yard dump bodies with hydraulics and three (3) 9.2' V-Plows, and three (3) coal chutes per dump, at a maximum estimated cost of $51,192.00, being a class or objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law;

f) The purchase of one (1) new 24' equipment trailer, at a maximum estimated cost of $5,254.00, being a class or objects or purposes having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law;

g) The purchase of one (1) 2014 Ram 2500 SLT Regular Cab Pickup Truck, at a maximum estimated cost of $39,087.00, being a class or objects or purposes having a period of probable usefulness of five years pursuant to subdivision 29 of paragraph a of section 11.00 of the Local Finance Law;

h) The purchase of one (1) 2014 Ram ST 4X4 Crew Cab Pickup Truck, at a maximum estimated cost of $37,979.00, being a class or objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law;

i) The purchase of one (1) John Deere 72" Zero-Turn Mower, at a maximum estimated cost of $10,712.00, being a class or objects or purposes having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law;

j) The purchase of one (1) John Deere 1600 Turbo Series Wide Area Mower, at a maximum estimated cost of $49,818.00, being a class or objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law; and

k) The purchase of one (1) John Deere Combination Tractor/Loader/Backhoe, at a maximum estimated cost of $45,475.00, being a class or objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of section 11.00 of the Local Finance Law

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is $638,690.52, and the plan for the financing thereof is by the issuance of $638,690.52 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years with respect to the object or purpose described in Sections 1(f), 1(g), and 1(i) above, will not exceed ten years with respect to the object or purpose described in Sections 1(e) above, and will not exceed fifteen years with respect to the object or purpose described in Sections 1 (a), 1 (b), 1(c), 1(d), 1(h), 1(j), and 1(k) above.

Section 4 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 5. 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 6. 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 7. 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 8. 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 9. This resolution 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.

Section 10. This resolution is adopted subject to permissive referendum.

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

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

Councilman Dyal ABSENT

The resolution was thereupon declared duly adopted.

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 25th day of June, 2014.
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 was caused to be given **PRIOR THERETO** in the following manner:

   PUBLICATION: *Poughkeepsie Journal*; January 15, 2014

   POSTING: Town Clerk Sign Board; January 14, 2014

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 25th day of June, 2014.

Christine O'Reilly-Rao, Town Clerk

(CORPORATE SEAL)

U:\DOCS\00070\00967\RESOLUTION\21E2970.DOC

TOWN BOARD OF THE TOWN OF LAGRANGE

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 25th day of June, 2014, the Town Board of the Town of LaGrange, Dutchess County, New York (the "Town") duly adopted a resolution, an abstract of which follows, which resolution is subject to permissive referendum pursuant to Town Law Article 7.

BOND RESOLUTION DATED JUNE 25, 2014

A RESOLUTION AUTHORIZING THE ISSUANCE OF $638,690.52 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURCHASES FOR USE BY THE TOWN PARKS AND HIGHWAY DEPARTMENTS

Class of objects or purposes: purchase of one (1) John Deere 5075M Utility Tractor with Mower
Maximum estimated cost: $72,587.10
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $72,587.10 bonds

Class of objects or purposes: purchase of one (1) new 4X2 6 wheel dump cab and chassis
Maximum estimated cost: $116,147.32
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $116,147.32 bonds

Class of objects or purposes: purchase of one (1) dump body, with hydraulics, front plow, hoist, and side wing
Maximum estimated cost: $84,474.10
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $84,474.10 bonds

Class of objects or purposes: purchase of three (3) new truck cabs and chassis
Maximum estimated cost: $125,965.00
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $125,965.00 bonds

Class of objects or purposes: purchase of three (3) new 3-4 yard dump bodies with hydraulics and three (3) 9.2' V-Plows, and three (3) coal chutes per dump
Maximum estimated cost: $51,192.00
Period of probable usefulness: ten years
Maturity of obligations: ten years
Amount of obligations to be issued: $51,192.00 bonds

Class of objects or purposes: purchase of one (1) new 24' equipment trailer
Maximum estimated cost: $5,254.00
Period of probable usefulness: five years
Maturity of obligations: five years
Amount of obligations to be issued: $5,254.00 bonds

Class of objects or purposes: purchase of one (1) 2014 Ram 2500 SLT Regular Cab Pickup Truck
Maximum estimated cost: $39,087.00
Period of probable usefulness: five years
Maturity of obligations: five years
Amount of obligations to be issued: $39,087.00 bonds

Class of objects or purposes: purchase of one (1) 2014 Ram ST 4X4 Crew Cab Pickup Truck
Maximum estimated cost: $37,979.00
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $37,979.00 bonds

Class of objects or purposes: purchase of one (1) John Deere 72" Zero-Turn Mower
Maximum estimated cost: $10,712.00
Period of probable usefulness: five years
Maturity of obligations: five years
Amount of obligations to be issued: $10,712.00 bonds

Class of objects or purposes: purchase of one (1) John Deere 1600 Turbo Series Wide Area Mower
Maximum estimated cost: $49,818.00
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $49,818.00 bonds

Class of objects or purposes: purchase of one (1) John Deere Combination Tractor/Loader/Backhoe
Maximum estimated cost: $45,475.00
Period of probable usefulness: fifteen years
Maturity of obligations: fifteen years
Amount of obligations to be issued: $45,475.00 bonds

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 thirty days from the date hereof.

Dated: June 25, 2014

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

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 26th day of June, 2014, I duly caused a copy of the attached Notice of Adoption to be conspicuously posted on the sign-board maintained pursuant to Town Law section 30(6) located at the entrance of Town offices, 120 Stringham Road, LaGrangeville, New York.

Christine O'Reilly-Rao

Christine O'Reilly-Rao
Town Clerk

Sworn to before me this
27 day of June, 2014

Margaret Schmitz

Notary Public

MARGARET SCHMITZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SC6220139
Qualified in Dutchess County
My Commission Expires April 12, 2018

TOWN BOARD OF THE TOWN OF LAGRANGE

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 25th day of June, 2014, the Town Board of the Town of LaGrange, Dutchess County, New York (the "Town") duly adopted a resolution, an abstract of which follows, which resolution is subject to permissive referendum pursuant to Town Law Article 7.

BOND RESOLUTION DATED JUNE 25, 2014

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Maximum estimated cost: $51,192.00
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Class of objects or purposes: purchase of one (1) new 24' equipment trailer
Maximum estimated cost: $5,254.00
Period of probable usefulness: five years
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Amount of obligations to be issued: $5,254.00 bonds

Class of objects or purposes: purchase of one (1) 2014 Ram 2500 SLT Regular Cab Pickup Truck
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Maturity of obligations: fifteen years
Amount of obligations to be issued: $45,475.00 bonds

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 thirty days from the date hereof.

Dated: June 25, 2014

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

AFFIDAVIT OF PUBLICATION
FROM

Poughkeepsie Journal
MEDIA GROUP
Delivering Customers. Driving Results.
A GANNETT COMPANY

RITA LOMBARDI
_____ being duly sworn says that he/she is the principal clerk of **THE**

POUGHKEEPSIE JOURNAL, a newspaper published in the County of Dutchess and the State of New York, and the

notice of which the annexed is a printed copy, was published in the newspaper on the date (s) below:

Ad Number:	Start Date:	Run Dates:
0000031224	07/01/2014	07/01/14

Rita Lombardi
Signature

Sworn to before me, this 1st day of July 20 14

Rose Ann Simpson
Notary Signature

My Commission Expires 1/4/2018

ROSE ANN SIMPSON
Notary Public - State of New York
No. 01SI6215893
Qualified in Dutchess County
My Commission Expires January 04, 2018

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on June 25, 2014, 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. Please take further notice that the bond resolution, a summary of which is published herewith, was adopted subject to a permissive referendum and that the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed.

Dated: July 28, 2014

_____

Christine O'Reilly-Rao, Town Clerk

BOND RESOLUTION DATED JUNE 25, 2014

A RESOLUTION AUTHORIZING THE ISSUANCE OF $638,690.52 SERIAL BONDS OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURCHASES FOR USE BY THE TOWN PARKS AND HIGHWAY DEPARTMENTS

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Maturity of obligations: fifteen years
Amount of obligations to be issued: $45,475.00 bonds

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 thirty days from the date hereof.

Dated: June 25, 2014

Christine O'Reilly-Rao

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

BUDGET AMENDMENTS

General Fund

Inc.	Refunds of Prior Yrs. Expenditures (A2701)	1,695.05	
Inc.	Premiums on Securities Issued (A2710)	18,868.50	
Inc.	Engineer, Contractual (1440.4)		1,695.05
Inc.	Central Data Processing (1680.4)		18,868.50

BUDGET TRANSFERS

	FROM	TO	AMT.
General Fund:	Recreation, Personal Services (7020.1)	Town Clerk, Contractual (1410.4)	5,000.00
	Zoning, Personal Services (8010.1)	Buildings, Personal Services (1620.1)	14,000.00

INTERMUNICIPAL AGREEMENT

This Agreement entered into this day of 2014, between the County of Dutchess, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York, 12601 (hereinafter referred to as the County) and the Town of LaGrange, a municipal corporation, with offices at 120 Stringham Road, LaGrangeville, New York, 12540 (hereinafter referred to as the Town).

WHEREAS, the County is the sponsor of the Local Administered Federal Aid Project: PIN 8758.69-Intersection Reconstruction CR-21 (Noxon Road) at CR 49 (Titusville Road) in the Town of LaGrange, and

WHEREAS, the County is the sponsor of a companion Local Administered Federal Aid Project: PIN 8755.41-to Resurface, Restore and Rehabilitate Approximately 1.8 miles of Noxon Road, and

WHEREAS, both PINs are referred to collectively as the Project, and

WHEREAS, the County has included the construction of pedestrian sidewalks, as part of the construction, reconstruction or improvement of the above intersection in accordance with NYS Highway Law Section 102 (15), in the contract plans relating to the Project, and

WHEREAS, the County will construct, or cause to be constructed a gravity sewer pipe crossing of CR 21 as part of PIN 8755.41, and

WHEREAS, the County will provide the local share of funding for the construction of the Project, and

WHEREAS, the Town has approved the construction of the pedestrian sidewalks and has agreed to maintain or cause to be maintained the pedestrian sidewalks as shown on the contract plans, including the control of snow and ice in a Resolution adopted by the Town Board of the Town of LaGrange on May 23, 2007,

WHEREAS, the County and the Town wish to formalize their understanding with regard to this Project by entering into an Intermunicipal Agreement, now, therefore, the parties agree as follows:

1. The County will construct, or cause to be constructed, pedestrian sidewalks as outlined in Plan Sheet Nos. GP-18 and GP-20, attached hereto as Exhibit "A".
2. The Town agrees to maintain and repair, or cause to have maintained and repaired, at its own cost and expense, said pedestrian sidewalks in a manner satisfactory to the County. Maintenance includes snow and ice removal.

3. The County will construct, or cause to have constructed, a gravity sewer pipe crossing of CR 21, capped at both ends as shown on Plan DUP-5, attached hereto as Exhibit "B". The pipe material will be SDR 35, 10" in diameter. It is anticipated that this crossing will become part of a planned future town sewer.
4. The Town agrees to maintain, or cause to have maintained, at its own cost and expense, this gravity sewer pipe crossing in a manner satisfactory to the County. Maintenance includes future repair or replacement, if necessary.
5. The Town, having been briefed about the Project, hereby approves of and supports the Project.

APPROVED AS TO FORM:

_____
County Attorney

ACCEPTED : COUNTY OF DUTCHESS

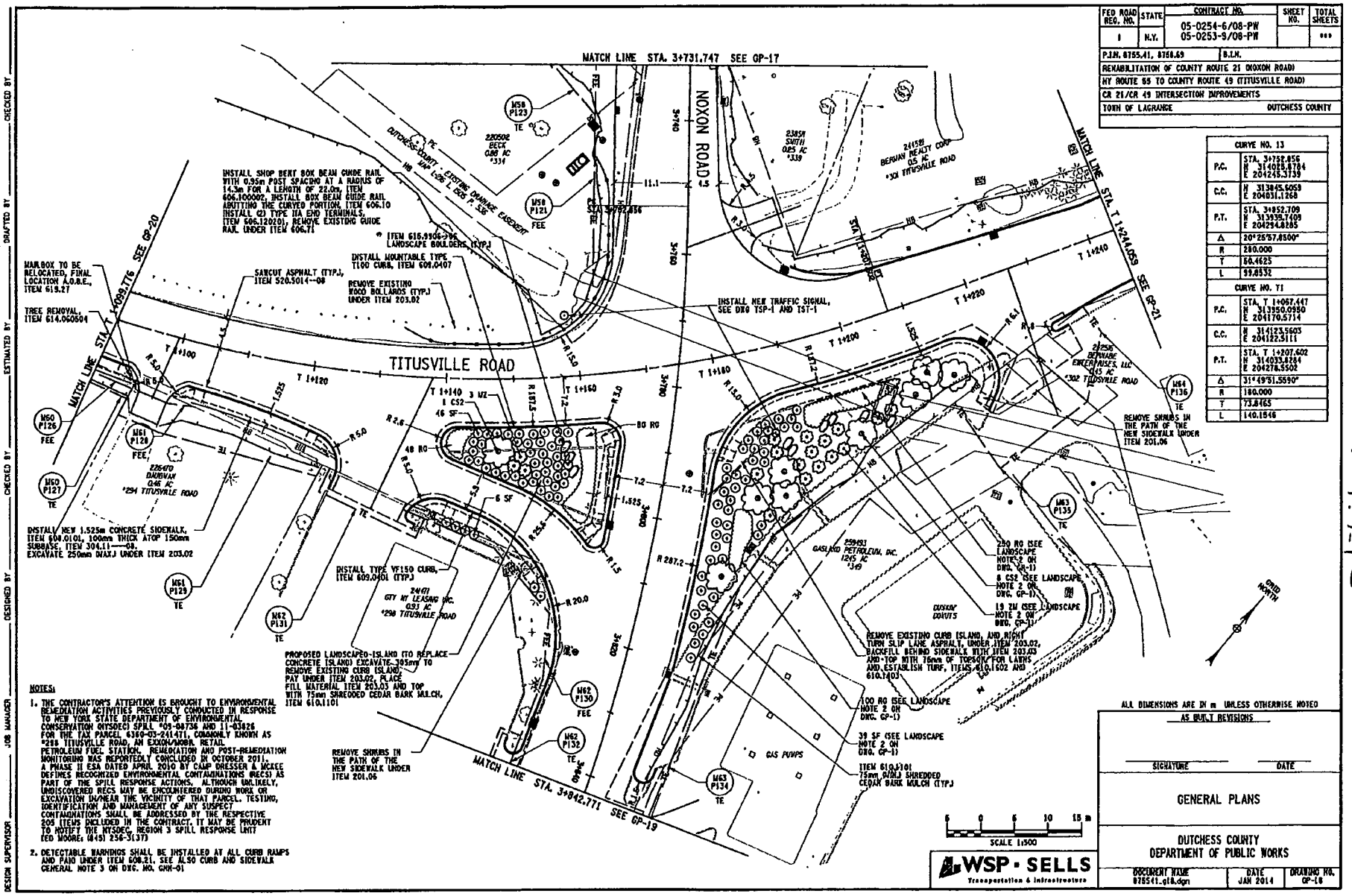
By: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO CONTENT:

_____
Department of Public Works

TOWN OF LAGRANGE

By: _____
Name: _____
Title: _____



CURVE NO. 13	
P.C.	STA. 3+752.856 N 314025.8784 E 204245.3739
C.C.	N 313845.6059 E 204031.1268
P.T.	STA. 3+952.709 N 313938.7409 E 204254.8285
Δ	20°25'57.8500"
R	280.000
T	50.4625
L	99.8532

CURVE NO. T1	
P.C.	STA. T 1+067.447 N 313950.0950 E 204170.5714
C.C.	N 314123.5603 E 204122.3111
P.T.	STA. T 1+207.602 N 314033.8284 E 204278.5502
Δ	31°49'51.5590"
R	180.000
T	73.8465
L	140.1546

NOTES:

1. THE CONTRACTOR'S ATTENTION IS BROUGHT TO ENVIRONMENTAL REMEDIATION ACTIVITIES PREVIOUSLY CONDUCTED IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) SPILL #03-08736 AND 11-03826 FOR THE TAX PARCEL 6360-03-241471, COMMONLY KNOWN AS #298 TITUSVILLE ROAD, AN EXXON/MOBIL RETAIL PETROLEUM FUEL STATION. REMEDIATION AND POST-REMEDIATION MONITORING WAS REPORTEDLY CONCLUDED IN OCTOBER 2011. A PHASE II ESA DATED APRIL 2010 BY CAMP DRESSER & MCKEE DEFINES RECOGNIZED ENVIRONMENTAL CONTAMINATIONS (RECS) AS PART OF THE SPILL RESPONSE ACTIONS. ALTHOUGH UNLIKELY, UNDISCOVERED RECS MAY BE ENCOUNTERED DURING WORK OR EXCAVATION IN/NEAR THE VICINITY OF THAT PARCEL. TESTING, IDENTIFICATION AND MANAGEMENT OF ANY SUSPECT CONTAMINATIONS SHALL BE ADDRESSED BY THE RESPECTIVE 203 ITEMS INCLUDED IN THE CONTRACT. IT MAY BE PRUDENT TO NOTIFY THE NYSDEC, REGION 3 SPILL RESPONSE UNIT (ED MOORE: (845) 256-3137)
2. DETECTABLE WARNINGS SHALL BE INSTALLED AT ALL CURB RAMPS AND PAID UNDER ITEM 608.21, SEE ALSO CURB AND SIDEWALK GENERAL NOTE 3 ON DWG. NO. GNR-01

ALL DIMENSIONS ARE IN m UNLESS OTHERWISE NOTED

AS BUILT REVISIONS

SIGNATURE DATE

GENERAL PLANS

DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS

DOCUMENT NAME	DATE	DRAWING NO.
875541_gt8.dgn	JAN 2014	GP-18

WSP · SELLS
Transportation & Infrastructure

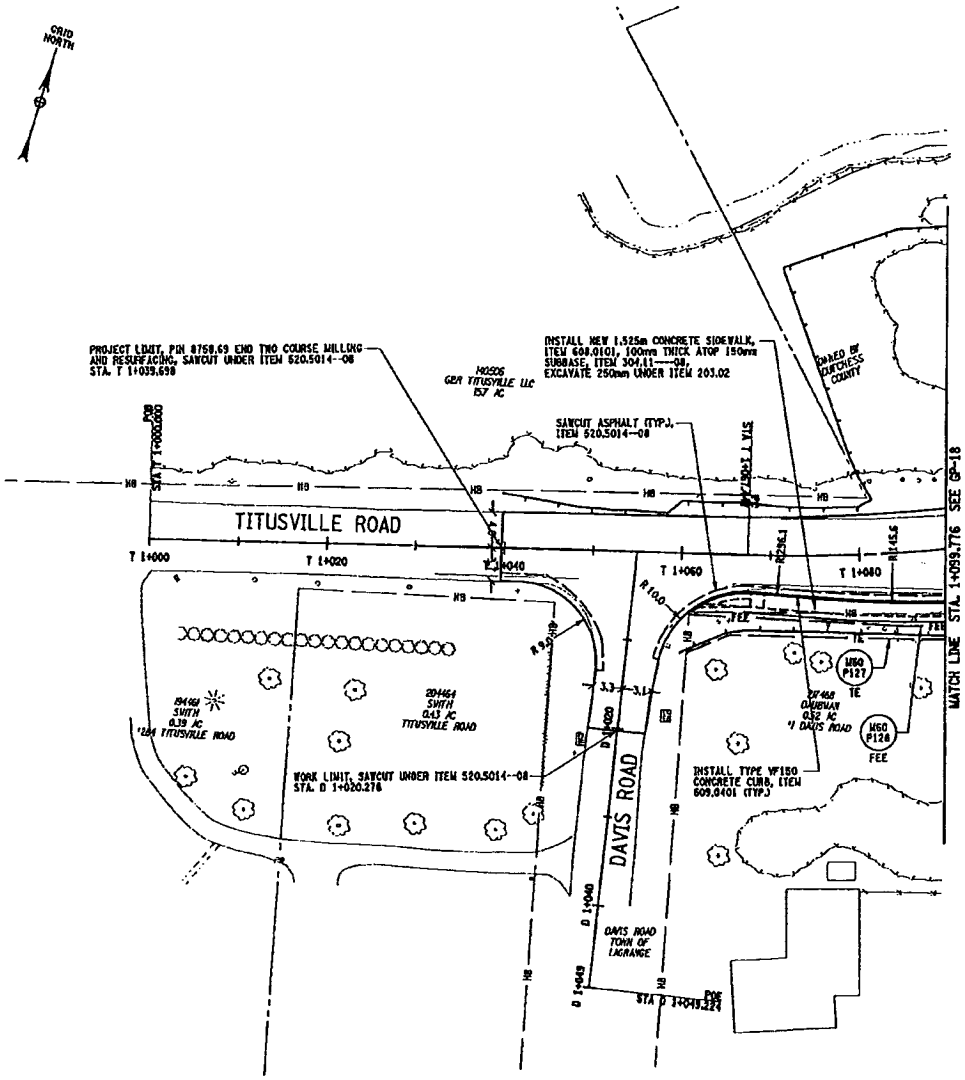
FED ROAD REG. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.	05-0254-6/08-PW 05-0253-9/08-PW		***

P.I.N. 8755.41, 8756.69 B.I.N.
REHABILITATION OF COUNTY ROUTE 21 (NOXON ROAD)
NY ROUTE 55 TO COUNTY ROUTE 49 (TITUSVILLE ROAD)
CR 21/CR 49 INTERSECTION IMPROVEMENTS
TOWN OF LAGRANGE DUTCHESS COUNTY

FILE NAME = FILE:\\dpc-\UDOCSWC roman 875541\1_drawings\1_working\GP_875541_gt8.dgn
DATE/TIME = DATE: 2/12/2014 12:58:42 PM
USER = PLOTTED BY: USJAMES

DESIGN SUPERVISOR — JOB MANAGER — DESIGNED BY — CHECKED BY — ESTIMATED BY — DRAFTED BY — CHECKED BY

Exhibit A



FED ROAD REG. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.	05-0254-6/08-PW 05-0253-9/08-PW		***

P.I.N. 8755.41, 8758.69 | B.I.N.

REHABILITATION OF COUNTY ROUTE 21 (HOXON ROAD)
NY ROUTE 55 TO COUNTY ROUTE 49 (TITUSVILLE ROAD)
CR 21/CR 49 INTERSECTION IMPROVEMENTS
TOWN OF LAGRANGE — DUTCHESS COUNTY

CURVE NO. T1	
P.C.	STA. T 1+067.147 N 313950.0950 E 204170.5714
C.C.	N 314123.5603 E 204122.3111
P.T.	STA. T 1+207.602 N 314033.9284 E 204278.5502
Δ	44°36'45.3206"
R	180.000
T	73.8465
L	140.1546

ALL DIMENSIONS ARE IN m UNLESS OTHERWISE NOTED

AS BUILT REVISIONS

SIGNATURE _____ DATE _____

GENERAL PLANS

SCALE 1:500

WSP · SELLS
Transportation & Infrastructure

DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS

DOCUMENT NAME	DATE	DRAWING NO.
875541_gp20.dgn	JAN 2014	GP-20

DESIGN SUPERVISOR _____ JOB MANAGER _____ DESIGNED BY _____ CHECKED BY _____ ESTIMATED BY _____ DRAFTED BY _____ CHECKED BY _____

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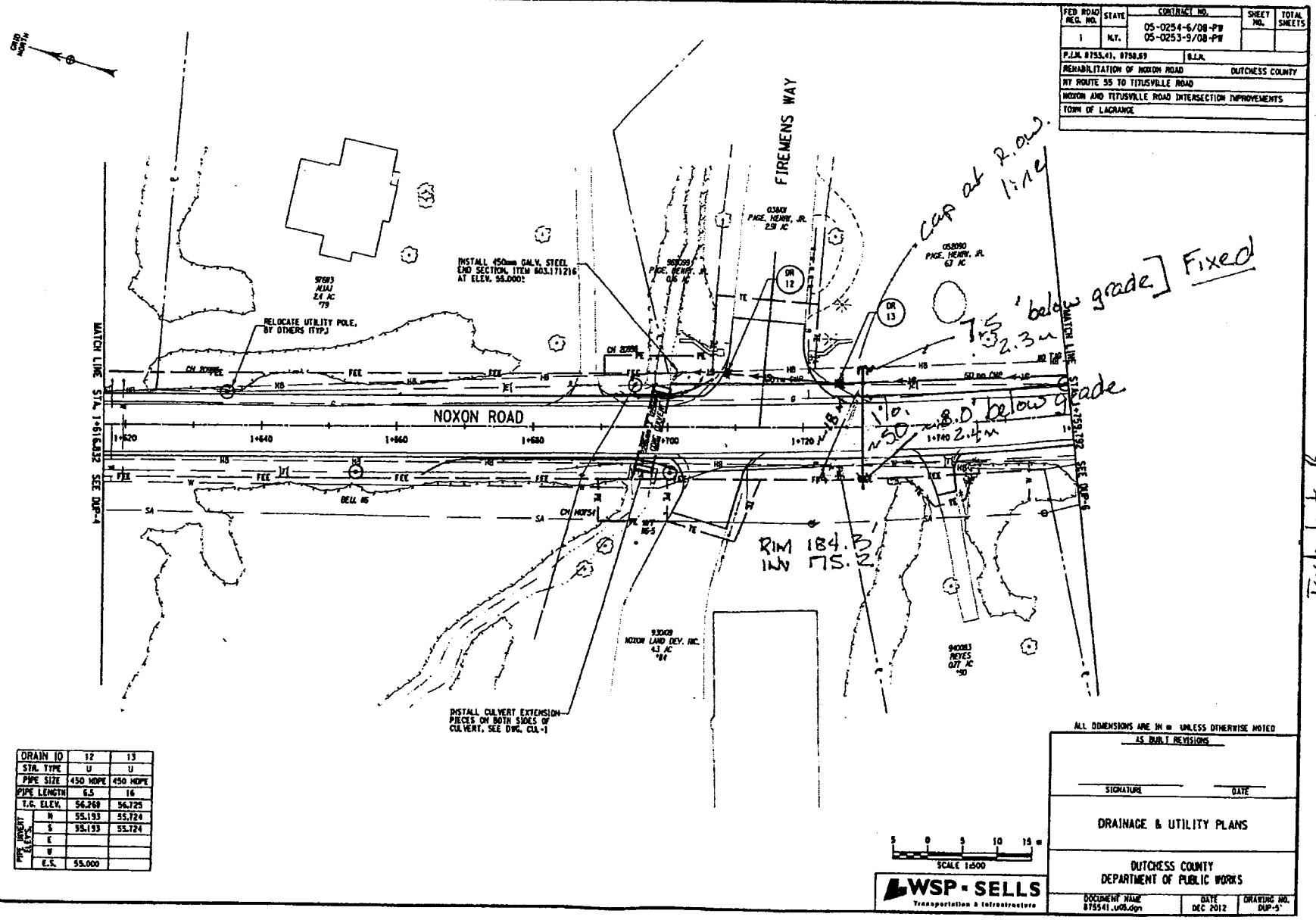
USER = PLOTTED BY:USERNAME



DRAIN ID		12	13
STA. TYPE		U	U
PIPE SIZE		450 HDPE	450 HDPE
PIPE LENGTH		6.5	16
T.G. ELEV.		56.269	56.725
PIPE INVERT ELEVS.	N	55.193	55.724
	S	55.193	55.724
	E		
	W		
	E.S.	55.000	

FED ROAD REG. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.	05-0254-6/08-PW 05-0253-9/08-PW		

P.I.N. 8755.41, 8758.69 B.I.R.

REHABILITATION OF NOXON ROAD DUTCHESS COUNTY

NY ROUTE 55 TO TITUSVILLE ROAD

NOXON AND TITUSVILLE ROAD INTERSECTION IMPROVEMENTS

TOWN OF LAGRANGE

ALL DIMENSIONS ARE IN m UNLESS OTHERWISE NOTED

AS BUILT REVISIONS

SIGNATURE DATE

DRAINAGE & UTILITY PLANS

DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS

DOCUMENT NAME	DATE	DRAWING NO.
875541_u05.dgn	DEC 2012	DWP-5

WSP · SELLS
Transportation & Infrastructure

DESIGN SUPERVISOR ____ JOB MANAGER ____ DESIGNED BY ____ CHECKED BY ____ ESTIMATED BY ____ DRAFTED BY ____ CHECKED BY ____

DATE/TIME = 1/10/2013 5:36:43 PM
USER = DSJAMMOS

Exhibit 8 x 2 pg 2

SUPPLEMENTAL SEWER AGREEMENT

SUPPLEMENTAL AGREEMENT made this __ day of _____, 2014 by and between the TOWN OF LAGRANGE, a municipal corporation organized under the laws of this state with offices at 120 Stringham Road, LaGrangeville, New York 12540 (hereinafter the "Town") (on behalf of itself and on behalf of the Town's Titusville Sewer District ("District"), and WILLIAM R. LEWIS and LINDA J. LEWIS ("Lewis"), individuals having an address at 165 Overlook Road, Poughkeepsie, New York 12603, and 165 OVERLOOK ROAD, LLC ("165 Overlook"), a limited liability company organized under the laws of this state with offices c/o Levine & Levine, P.C., 2 Jefferson Plaza, Suite 100, Poughkeepsie, New York 12601, hereinafter collectively referred to as "Owner".

WHEREAS, the parties entered into an earlier Sewer Agreement dated April 19, 2006 (hereafter the "Original Sewer Agreement"); and

WHEREAS, the parties enter into this Supplemental Original Sewer Agreement ("SSA") for the purpose of modifying and superseding certain designated provisions of the Original Sewer Agreement which are inconsistent with the terms of this SSA; and

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, receipt of which is hereby acknowledged, the Town and Owner agree as follows as and for this SSA:

1. Paragraph "3" of the Original Sewer Agreement is replaced and superceded in its entirety by the following supplemental

Paragraph "3":

"3. The Town shall exercise best efforts to establish, by petition of the property owners annexed to this Supplemental Sewer Agreement as Exhibit "A", a Future Sewer Administration Entity in the form of an Overlook Place Sewer District which shall cover the Real Property exclusively, and which shall take the form and which shall have purposes as set forth within a Map, Plan and Report annexed to this Supplemental Sewer Agreement as Exhibit "B". At no cost to the Town, the Titusville Sewer District or the Overlook Place Sewer District, the Owner shall design and construct certain private wastewater collection improvements and related appurtenances, to be approved in advance by the Town and inspected at Owner's expense by the Town during construction, including a gravity collection line meeting the general specifications set forth within Exhibit "C" to this Supplemental Sewer Agreement for purposes of conveying wastewater from the Real Property to a point of connection to the facilities of the Titusville Sewer District in a manner to be approved in advance by the Town. The wastewater collection improvements shall be installed at locations approved in advance by the Town, which locations shall include along the right of way of Mapleview Road in the Town of LaGrange. Owner shall be responsible for all town professional consultant costs incurred, and as they are

incurred, to establish the Overlook Place Sewer District, and to review, approve and inspect the wastewater collection improvements identified in this paragraph.

Owner shall contribute the sum of $42,934.00 to the Town's open space preservation fund payable at the time of the issuance of public debt authorized by the establishment of Overlook Place Sewer District."

2. The last sentence of Paragraph "8" of the Original Sewer Agreement is replaced and superceded by the following:

"The Overlook Place Sewer District to be established by the Town shall be entitled to take over at no cost ownership, operation and maintenance of (a) the Collection System, provided Owner is able to provide to the Town suitable utility easements and clear title to any easements and of the fixtures associated with the Collection System and (b) the wastewater collection improvements connecting the Real Property to the facilities of the Titusville Sewer District as identified within new Paragraph "3" established by this Supplemental Sewer Agreement.

3. This Supplemental Agreement shall be binding on the heirs, successors and assigns of the parties hereto, it shall run with

the land, and a memorandum of this Agreement or this Agreement shall be recorded in and indexed to the Real Property in the Dutchess County Clerk's Office.

4. This constitutes the full and complete supplemental sewer agreement between the parties, and this SSA may not be modified except in writing signed by all parties hereto.

TOWN OF LAGRANGE and
TITUSVILLE SEWER DISTRICT

By: _____
Alan Bell, Supervisor

_____
WILLIAM R. LEWIS

_____
LINDA J. LEWIS

165 OVERLOOK ROAD, LLC

By: _____
Name:
Title:

[ACKNOWLEDGEMENTS FOLLOW ON NEXT PAGE]