



TOWN OF LAGRANGE

120 Stringham Road
LaGrangeville, New York 12540-5507

www.lagrangeny.org

As per Town of LaGrange Town Code §240-88:

ESCROW POLICY

Town's Consultants: Attorney, Engineer, Stormwater, or Others

The Town Comptroller is responsible for all official financial budgets. The Town Comptroller must receive all original invoicing. If invoices are not authorized by Department Heads, then a written explanation must be provided within 5 business days of that Department's receipt, to the Comptroller's Office.

The Administrator of Planning and Public Works is responsible for management and oversight of Town's Consultants' work. The Administrator of Planning and Public Works' Office will maintain unofficial escrow budgets to assist both the Comptroller's Office, as well as its own office.

This escrow policy is intended to provide guidelines with the Town, Planning and Zoning Boards for the following consultants: Town's Attorney, Town Engineer and Town Stormwater Consultant, as well as any others authorized (i.e. Conflict Consultants, specialty Consultants) by the Town Board.

Procedure:

The Town will require the escrow to have an opening balance as per the last revised Town Escrow Schedule:

- All Planning Board Applications and Special Use Applications will require the submission of the corresponding escrow opening balance at the time of application. Applications will not be deemed complete and will not be received unless the escrow check is submitted with all other required documentation and fees;
- All SWPPP or Wetland Permit Applications will require the submission of the corresponding escrow opening balance at the time of application. Applications will not be deemed complete and will not be received unless the escrow check is submitted with all other required documentation and fees;
- The Public Works Department may require escrow accounts to be opened for property owners looking to pursue connection as an out of district to water and sewer districts. Prior to any work by Town Consultant's to be performed, the escrow account must be established;
- The Zoning Board of Appeals may periodically require the opening of escrow accounts which will be under the direction of the Zoning Administrator/Building Inspector and collected and tracked by the Planning & Public Works Office;

- Pre-Planning Board Application requests by the Developer, which include Town Consultants, must have an escrow established prior to meetings being scheduled. This will be under the direction of the Administrator of Public Works.

Once the escrow account is opened, the Board or their appropriate recording secretary or the Administrator of Planning and Public Works will notify the Town Comptroller of the escrow authorization. The Comptroller and the Administrator of Planning and Public Works will jointly determine an escrow name to be maintained throughout the application process.

The Planning & Public Works Department (P&PW Dept) will receive all documents pertaining to the application from either the Applicant or their Professional. P&PW Dept will distribute to the appropriate consultant and receive preliminary proposals for all reviews. Preliminary proposals are to be based on a 'not to exceed' amount and based on the submission presented. Subsequent submissions or meetings will require additional proposals. P&PW Dept will authorize consultant work once all escrow monies are received. In the event unanticipated work is required between submissions or at any other time, there will be additional need for escrow monies for any and all consultant time/work. Non-exclusive examples of unanticipated work would be Applicant Attorney to Town's Attorney conferences, exigent developments requiring legal intervention or assistance to town officials in the management of applications or related SEQRA proceedings requests or requirement for consultant(s) meeting to explain or review changes prior to a future submission, or the necessity for any Town's Consultant to attend an unanticipated Board meeting. It is recognized that not all applications, applicants or applicant's agents are the same. Applications vary in scope and complexity. There may be significant variation in the timeliness, quality, completeness, and cooperativeness of submissions or presentations on behalf of applications. These variations are legitimate factors in establishing and administering escrow deposits.

In the event a project determines they would like to submit more than the minimum required to maintain an escrow balance and avoid delays in review, the project will always have the right to do so.

At no time will any project's escrow drop below the initial opening balance on the escrow schedule. If escrow is not replenished as per the Planning & Public Work's Office directive, then the associated application will not be placed on any Board agenda, nor have any further reviews occur, nor conduct any meetings in which consultants are present, until such time that monies are received.

The Town Comptroller will receive all invoicing from all Town Consultants. Upon receipt and logging, the Comptroller's office will distribute invoices to the P&PW Dept for confirmation of work performed or circulation to appropriate department. P&PW Dept is responsible for oversight of all Consultant work. Upon confirmation, explanation of lack of payment and or distribution to other department, the P&PW Dept or other Department will return to the Comptroller's Office all invoicing received.

P&PW Dept will track all proposals and maintain informal escrow balances. At the request of P&PW or the Comptroller's Office, review of individual escrows will occur as needed to ensure conformance with the official Comptroller's accounting being performed.

All approvals from all Boards will stipulate that payment of all fees and escrow monies will be a condition of said approval.

The applicant is entitled to any remaining balance within their escrow account. All escrow monies must be returned to the original party. If there is a change in ownership, then the new party must have written

documented/notarized approval from the original party to receive such monies to the satisfaction of the Town Comptroller. The applicant must request the balance of the escrow in writing at a minimum 6 months after final approval resolution from the Town Board and or Zoning Board of Appeals or after 6 months from the Planning Board Chairman's signature on the approved plans. Therefore, the Town Consultants will be required to have all final invoices in prior to that deadline. If Consultants need additional time, they must notify P&PW Dept of why and provide a deadline, if possible. At the discretion of the P&PW Department, escrow accounts may be closed due to lengthy inactivity or application withdrawal. Two attempts will be made to contact the original party to close the account and the return of escrow funds remaining, if any. If after two unsuccessful attempts to obtain a response from the original owner, monies will be turned over to the appropriate agency.

The P&PW Department and the Town Comptroller shall jointly report to the Town Board no less than annually a list of escrow accounts dormant for more than one year.

Approved by the Town Board on May 24, 2023