

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

**TOWN BOARD MEETING
January 22, 2014**

Present: Supervisor Alan Bell
Councilman Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus
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, January 22, 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 January 8, 2014. Councilman Jessup moved to do so, seconded by Councilman Luna. The motion carried unanimously.

Agenda

Mr. Bell asked for a motion to accept the November 2013 and December 2013 Monthly Reports for Building, Zoning, Planning and Public Works: \$10,800.00 and \$6,890.00. Councilman Luna moved to do so, seconded by Councilman Dyal. The motion carried unanimously.

Resolution: Soft Cost Borrowing for Town Center Lighting District (SEE ADDENDUM)
Ms. Livigni stated that the Lighting District will encompass the area around the Route 55 corridor work.

Resolution: Records Retention and Disposition Schedule MU-1.(SEE ADDENDUM)

Court Clerk, Carol A. Harklerode requested Town Board permission to be reimbursed for the Notary Public test. There is a \$15 fee for taking the test and a \$60 application fee for the Notary license.

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

Justice Hayes requested Town Board permission to attend the Association of Towns New York State Magistrates 2014 Training and Annual Meeting, which will be held February 17 through the 18, 2014 in New York City. The cost to the Town is \$100.00 for registration. Councilman Dyal moved to approve the request, seconded by Councilman Luna. The motion carried unanimously.

Court Clerks, Carolyn Harklerode and Carol Ann Harklerode requested Town Board permission to attend the Association of Town New York State Magistrates 2014 Training and Annual Meeting, which will be held on February 17, 2014 in New York City. The cost for both clerks will be approximately \$327.00. Councilman Jessup moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

The Mid Hudson Bicycle Club requested Town Board permission to hold their Annual Summer "C" Ride on July 12, 2014. Approximately forty bicyclists will ride through Town between 9:30 am and 1:30 pm. The ride will utilize the following Town roads: Skidmore, Sunset Hill, Oswego, Gidley, Tompkins, Velie, Barmore, Mountain, Downing, Pond Gut and Moore. Councilman Jessup moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

The Mid-Hudson Road Runners Club requested Town Board permission to hold the Ed Erichson Memorial Run on Sunday, March 9, 2014 from 9:00 am to 11:30 am. The run will go through Stringham Road, Noxon Road, Lauer Road and Todd Hill Road. Councilman Jessup stated that he had no objection to the request as long as the race does not start or finish near the Freedom Plains Presbyterian Church; noting that past races had negatively impacted the Church's Sunday service. Supervisor Bell stated that the race will start and finish at the Lagrange Town Hall. Councilman Dyal moved to approve the request. Councilman Polhemus seconded the motion and it carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

No report

Open Space

No report

Highway

Councilman Polhemus noted that the Highway Department has been doing a great job keeping Town roads clear and safe. Supervisor Bell agreed with Mr. Polhemus. Councilman Luna added that Mr. Kelly had salted some County and State roads during a recent storm and that he had asked Mr. Kelly to inform those agencies to see what, if any response we would get.

Town Attorney

Mr. Blass stated that there was an amendment to the Daley Farms PDD, which would create an additional one family lot. The Town Board could vote to refer the matter to the Planning Board this evening if they wished.

Mr. Luna stated that he was not ready to vote on the referral since he had not had time to review the amended plan.

Mr. Blass stated that voting on the referral could be done at the next regular meeting since the Planning Board meeting would be held the following week.

Mr. Bell added that the Board would prefer to have County input prior to referring the matter to the Planning Board.

Mr. Bell asked the Board if they were prepared to have the Rail Trail Agreement signed and sent to the County. At issue is the County's request to be indemnified and included on the Town's insurance. A discussion followed.

Councilman Jessup moved to send an amended Agreement to the County which would remove the paragraph in section 4 on page 1. Councilman Luna seconded the motion subject to the Supervisor's review of the discussed changes. (SEE ADDENDUM)

Administrator of Planning and Public Works

Ms. Livigni gave an update on the Grandview Water District Project. The line has successfully been placed under the creek.

Dutchess County DPW met with Ms. Livigni and discussed their closing of the Degarmo Bridge for repairs for three months during the summer. The bridge is located near the Overlook Drive-In. Ms. Livigni noted that this will likely exacerbate traffic in the Town, especially when factoring in the Route 55 corridor project which will continue through the summer.

Public Comment

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

There were no comments.

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

Town Board Discussion

Supervisor Bell asked the Board to take home a packet on the Drive-Through Moratorium and come back with comments for the next meeting. The purpose of the Moratorium is to allow the Board time to clarify the language and definitions regarding permitted uses in respect to the sale of prepared foods dispensed through a drive-through.

Councilman Dyal brought up the question of how large an area the Town Center should actually encompass.

Councilman Luna stated that revisiting the boundaries of Town Center would be a major undertaking, which would take considerably longer than the six month period specified in the Moratorium.

Councilman Polhemus stated that the area near the Taconic Parkway was not particularly walkable, even though it was located in Town Center. A discussion ensued.

Mr. Blass stated that the modification in the language would clarify permitted uses for drive-throughs not only for a standalone establishment, but also for an establishment which also has more than one use, i.e. an establishment that has a different primary purpose (e.g. a gas station or convenience mart) other than serving ready to consume food.

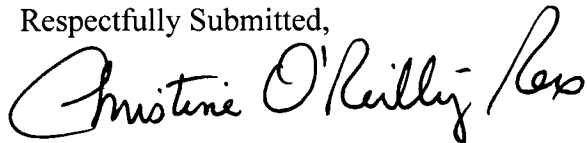
A discussion followed on re-zoning in the Town Center and allowing Child Care Centers in the C-1 district. A proposed Local Laws updating the code will permit Child Care Centers in the C-1 and C-2 districts. The Board agreed to allow two potential applicants to proceed with the paperwork for the Zoning Board for approval on Child Care Centers in the C-1 and C-2 districts.

Supervisor Bell stated that he had received information from State Assemblyman Lalor about a proposed provision in the New York State budget that would eliminate the corporate income tax on manufacturers for the entire State except counties within the MTA region, which includes Dutchess County. He asked the Board if they would like to pass a resolution which would call for the corporate tax elimination to include all of New York State. (SEE ADDENDUM)

Councilman Luna, seconded by Councilman Dyal moved to adjourn to executive session at 7:55pm. The motion carried unanimously.

Supervisor Bell moved to adjourn the meeting seconded by Councilman Dyal at 8:20 pm. The motion carried unanimously.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution: Town Center Lighting
- Resolution: MU-1
- Rail Trail Agreement
- Resolution: Corporate Tax Elimination for Manufacturers

**TOWN BOARD RESOLUTION PURSUANT TO
TOWN LAW SECTION 191-a and 209-b
REGARDING A PROPOSED "TOWN CENTER LIGHTING DISTRICT"**

Councilman Jessup introduced the following resolution, which was seconded by Councilman Luna, as follows:

WHEREAS, the Town Board has received preliminary proposals for professional services in connection with the preparation of a map, plan and report for a potential lighting district to be known as the Town Center Lighting District in the Town of LaGrange, Dutchess County, New York; and

WHEREAS, the proposed map, plan and report would be prepared under Section 191-a or Section 202-b of the Town Law, in advance of receipt of potential petitions for lighting district formation pursuant to Article 12 of the Town Law, and for the purposes of accompanying petitions which may be filed in the future by property owners within the proposed district area, or in the alternative the map, plan and report would be used for purposes of the Town Board's proceedings to establish the lighting district without petition pursuant to Article 12-A of the Town Law;

NOW, IT IS HEREBY RESOLVED, as follows:

1. The Town Board hereby approves the preparation of a map, plan and report for the proposed lighting district, pursuant to Town Law Section 191-a and Section 202-b by the engineers and the attorneys to the Town of LaGrange, at a combined cost of professional services not to exceed the sum of Four Thousand Seven Hundred Fifty (\$4,750.00).

2. The map, plan and report for a proposed lighting district shall cover a mixture of primarily commercial and some residential properties generally located within or near the following area: Route 55 in the Freedom Plains area of the Town of LaGrange generally located between Freedom Road and the Taconic State Parkway.

3. (a) A plan for the financing of the specific object or purpose described in paragraphs 1 and 2 above is by the issuance of Four Thousand Seven Hundred Fifty (\$4,750.00) serial bonds of said Town, hereby authorized to be issued therefore, pursuant to the Local Finance Law.

(b) It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subdivision 62 of paragraph (a) of Section 11 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein will not exceed five (5) years.

(c) 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 in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

(d) 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 the provision of the Local Finance Law.

(e) The validity of such bonds and bond anticipation notes may be contested only if:

i) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or

ii) 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 (20) days after the date of such publication; or

iii) such obligations are authorized in violation of the provisions of the Constitution.

4. This resolution is subject to permissive referendum in accordance with the provisions of Article 7 of the Town Law.

WHEREUPON, the following vote was taken:

| | |
|-----------------------|-----|
| Supervisor Bell | AYE |
| Councilman Luna | AYE |
| Councilman Jessup | AYE |
| Councilwoman Polhemus | AYE |
| Councilman Dyal | AYE |

Dated: LaGrangeville, New York
January 22, 2014


CHRISTINE O'REILLY-RAO
TOWN CLERK

RESOLUTION

RESOLVED, By the Town Board of the Town of La Grange that *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) Only those records will be disposed of that are described in *Records Retention and Disposition Schedule MU-1* after they have met the minimum retention periods described therein;

(b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motion: Councilman Luna

Second: Councilman Dyal

Supervisor Bell AYE

Councilman Luna AYE

Councilman Jessup AYE

Councilman Polhemus AYE

Councilman Dyal AYE

DATED: January 22, 2014

LaGrangeville, New York



Christine O'Reilly-Rao, Town Clerk

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2014, by and 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 its offices at 120 Stringham Road, LaGrangeville, New York, 12540 (hereinafter referred to as the "TOWN")

WITNESSETH:

WHEREAS, the County has constructed the William R. Steinhaus Dutchess Rail Trail ("Trail") which traverses through the Towns of Poughkeepsie, LaGrange, Wappinger and East Fishkill, and,

WHEREAS, the Town wishes to assist the County in providing proper maintenance for that portion of the Trail that traverses through the Town of LaGrange so as to encourage its use,

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. SCOPE OF SERVICES. The Town shall assist the County in the maintenance of the Trail by providing the services as set forth on Exhibit "A," "Scope of Services," attached hereto and made a part hereof. The Town's costs for the maintenance services to be provided pursuant to this Agreement shall not exceed \$5,000.00.

2. TERM OF AGREEMENT. The term of this Agreement is January 1, 2014-December 31, 2015. Representatives of the County and the Town will meet prior to November 1st to review each party's maintenance responsibilities.

3. COUNTY TO INDEMNIFY THE TOWN. The County shall defend, protect, and indemnify the Town for damages done to property, injury, or death to persons resulting from the negligence of the County's employees in connection with the County's ownership of the WRSDRT and the work done by County employees in connection this agreement.

4. INSURANCE REOUIREMENTS. At all times during the term of this agreement, the parties agree to maintain the following insurance and shall provide proof thereof to each other in the form of a Certificate of Insurance and additional insured endorsement page(s):

(a) Statutory Worker's Compensation and Disability coverage in compliance with the Compensation Law of the State of New York.

SCOPE OF SERVICE

1. **Repairs.** The County shall be responsible for all repairs, replacements, and improvements associated with the William R. Steinhaus Dutchess Rail Trail (WRSDRT).
2. **Inspection and Monitoring.** The County will conduct regular inspections of the WRSDRT to identify obstacles, hazards, or items needing repair or maintenance. The Town will also inspect the respective Town sections of the WRSDRT for same on at least a monthly basis and will report to the County any obstacles, hazards, or items needing repair and maintenance as soon as practical.
3. **Vegetation Removal.** The County shall be responsible for a regular schedule of vegetation maintenance, including cutting, clearing, and removal, to limit encroachment on the WRSDRT. This work shall be performed a minimum of twice a year in June and August. The Town shall perform light trimming and removal of small tree limbs, branches and encroaching brush at the trail heads and parking lots associated with the DCRT four (4) times per year between April and November.
4. **Mowing.** The County shall mow the shoulders of the WRSDRT a minimum of four (4) times per year. The Town shall mow the areas around the trail heads and parking lots associated with the DCRT a minimum of four (4) times per year between April and November.
5. **Litter Removal.** The County will place one (1) litter receptacle in the parking area associated with the WRSDRT only. The Town shall remove garbage, litter and other small debris at the trail head and in the associated parking lot on a weekly basis. The County shall install signs which indicate that the WRSDRT is a carry-in/carry-out linear park.
6. **Graffiti.** The Town shall notify the County of the existence of any graffiti on the WRSDRT as soon as it is noticed. The Town is not responsible for removal of graffiti on the WRSDRT.
7. **Surface Maintenance During Winter Months.** The WRSDRT shall be kept in its natural condition during winter months, with neither the WRSDRT nor the access walkways being plowed or sanded by the County. The Town agrees to plow and sand the designated WRSDRT parking areas as soon as practical after a weather event, based on the Town's road plowing and sanding scheduling. The Town shall sweep the parking areas on an annual basis during the spring of each year. The County shall post signs in each parking area or at each trail head indicating that the WRSDRT, associated parking areas and walkways may be used by the public at their own risk.

8. **Sign Repair.** The County shall inspect the condition and placement of required signs in its periodic inspections of the WRSVRT. It shall be the County's responsibility to maintain, repair and/or replace any signs. The Town shall notify the County of any necessary sign repairs that are seen on their monthly inspections (or reported at any time) as soon as practical.
9. **Drainage/Stormwater Management Facilities.** The County shall inspect and maintain all of the drainage culverts and storm water management facilities on the WRSVRT on an annual basis and shall undertake any necessary repairs or replacements. The Town shall notify the County of any potential drainage or storm water issues that are seen on their monthly inspections (or reported at any time) as soon as practical.
10. **Emergencies.** Both the County and the Town shall have the right to close any section of the DCRT for emergency or safety purposes. The Town official who makes the decision to close the any portion of the WRSVRT shall be responsible for immediately contacting the appropriate fire, police and/or rescue authorities, post a "WRSVRT closed" sign, and contact the County Parks Duty Officer (914-456-6403). The following information should be provided when reporting a closure: the nature and location of the incident, the end points of the closed portion of the WRSVRT, the time and expected duration of the closures, and what, if any, assistance is required from the County. The County will also notify the Town should closure of the WRSVRT be required. Town shall designate those Town officials authorized to close the WRSVRT and take the above action.
11. **Police Presence (Towns of Poughkeepsie and East Fishkill only).** The Town's responsibility to maintain a police presence on the WRSVRT and associated parking areas shall consist of: emergency responses, patrols by automobile or bicycle, and as mandated by the Towns of Poughkeepsie and East Fishkill Police Chiefs. These patrols shall be coordinated by the Towns with the County Sheriff's Office. The County's Sheriff's Office shall also provide patrols of the WRSVRT. The Town Police Chiefs or their designee and County Sheriff staff shall meet to discuss issues as they arise.
12. **Police Presence (LaGrange and Wappinger).** The Towns shall not be responsible for providing any police patrol at/on the WRSVRT. The County shall be responsible, to the extent practical, for providing a police presence on the WRSVRT and for addressing unauthorized access or use of the WRSVRT.

(b) Commercial General Liability Insurance coverage including blanket contractual coverage for the scope of work connected to this Agreement with limits of not less than five million dollars (\$5,000,000.00) per occurrence. The insurance shall be written on an occurrence coverage form and include bodily injury and property damage liability.

5. The County shall designate the Town as an additional insured on the County's general liability insurance coverage by endorsement which provides coverage to the Town for any loss, liability, or damages arising out of the County's operations, or those of its officers, employees, contractors or agents, in regard to the County's ownership and operation of the WRS DRT.

6. DISPUTES. The parties agree that should disagreements arise in connection with this agreement that the parties will jointly choose an arbitrator to hear and resolve the disagreement. In the event the parties are unable to agree on an arbitrator within two (2) weeks from demand of the other party, either party to this Agreement may make application to any resident Justice of the Supreme Court, sitting in Dutchess County, to appoint an arbitrator. The parties will equally divide the cost of the arbitrator.

7. ENTIRE AGREEMENT. The terms of this Agreement, including its attachments and exhibits, represent the final intent of the parties. Any modification, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded this basic Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

APPROVED AS TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

County Attorney's Office

BY: _____
Marcus J. Molinaro
County Executive

APPROVED AS TO CONTENT:

TOWN OF LAGRANGE

Department of Public Works

BY: Alan Bell 1/24/14
ALAN BELL
SUPERVISOR

STATE OF N.Y.
COUNTY OF DUTCHESS

The foregoing instrument was acknowledged before me this 24 day of Jan, 2014, by ALAN BELL

Christine M. O'Reilly-Rao
Notary Public's Signature _____ Notary Name
Personally Known OR _____
Type of Identification Produced _____

CHRISTINE M. O'REILLY-RAO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01OR6169917
My Commission Expires July 02, 2015

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

On this _____ day of _____, 2014, before me, the undersigned, personally appeared MARCUS J. MOLINARO, COUNTY EXECUTIVE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

 Notary Public

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

On this 24th day of January, 2014, before me, the undersigned, personally appeared _____ ALAN BELL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Christine M. O'Reilly-Rao
 Notary Public

CHRISTINE M. O'REILLY-RAO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01OR6169917
My Commission Expires July 02, 2015

RESOLUTION

WHEREAS, the proposed 2014-15 New York State budget includes a provision that would eliminate the corporate income tax on manufacturers for all of the state except for counties in the MTA Region, including Dutchess County.

WHEREAS, this proposal will drive manufacturing jobs out of our communities since a manufacturing business in Dutchess County would pay a 6.5% corporate tax, while a business in Ulster or Columbia County would have no corporate tax.

WHEREAS, the Poughkeepsie-Newburgh-Middletown Metro Area is one of only two New York regions to lose private-sector jobs in 2013.

WHEREAS, proposals to split New York State into separate tax zones are divisive and pit New Yorkers against each other.

NOW THEREFORE LET IT BE RESOLVED, that the TOWN OF LA GRANGE memorializes the State Senate, Assembly and Governor to include all of New York, including the counties in the MTA Region, in the elimination of the corporate tax on manufacturers.


Copies of this resolution will be forwarded to New York State Senator Terry Gipson, 41st Senatorial District and Assemblyman Kieran Michael Lalor, 105th District.

MOTION: Councilman Luna

SECOND: Councilman Jessup

The Following Vote Was Taken:

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


Christine O'Reilly-Rao, Town Clerk
Dated: January 22, 2014