

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

**TOWN BOARD MEETING
March 23, 2011**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Ed Jessup
Councilman Gary Polhemus

Absent: Councilman Gary Beck

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

Others Present: Ron Blass, Esq. Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works
Diana Campaglione, Environmental Consultants

The regular meeting of the Town Board was held on Wednesday, March 23, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes for March 9, 2011. Councilman Jessup moved to do so, seconded by Councilman Luna and carried unanimously.

Correspondence

Supervisor Wagner stated that he had received a letter from the Dutchess County Department for Aging regarding plans for the *Senior Socials and Chicken Barbeque* program to be held on August 31, 2011. The letter requested that the Town host the event and include seniors who are Unionvale residents. The Town would only be responsible for the meal costs for LaGrange residents who make a reservation. The cost per meal will be \$3.75. The County is working to obtain sponsors to defray the cost of entertainment and other associated expenses.

Councilman Luna inquired as to who would keep track of LaGrange residents versus Unionvale or other town residents to ensure the Town of LaGrange only ends up covering the cost of the meals for Town residents.

Mr. Wagner stated that the Town will ask both the Sunrise and Afternoon Rotaries along with the LaGrange Lion Club to cover the cost of the meals. These service clubs have generously subsidized past events. He added that he will ask his Legislative Aide to check with Ms. Brockway about Unionvale's share towards the cost of the event. The barbeque will be held at Freedom Park.

Councilman Luna moved to approve the request, seconded by Councilman Polhemus and carried by all.

LaGrange Fire Company # 1 is requesting Town Board approval to hold a *Boot Drive / Coin Drop* on Route 55 between Freedom Road and Dr. Fink Road. The event is scheduled to be held on Saturday, April 16th from 8:00 a.m. to 7:00 p.m.

Councilman Luna moved to acknowledge the request, seconded by Councilman Polhemus and carried by all.

Changes to the channels offered by Time Warner Cable will be available in the Clerk's office for one week.

Supervisor's Report

Supervisor Wagner stated that the New York State Government Finance Officer's Association, Inc. has identified issues of concern regarding a real property tax cap in the state. He asked that The newsletter be made part of the record. (SEE ADDENDUM)

The Town has been awarded a grant from the Office of Court Administration for approximately \$24,000.00. The money will be used to enhance security for the Court Clerks by installing a security window. In addition, the Court's office space will be renovated and expanded to accommodate the necessary file cabinets and other needed furnishings.

The grant was not a "matching grant" and therefore there will be no cost to the Town.

Central Hudson will be installing new lighting in the town hall, highway building and park buildings within the next two weeks. This will be done under a recently awarded \$35,000.00 grant the Town received from Central Hudson.

Agenda Items

The Building Inspector requested Board approval to amend the 2011 Schedule of Fees. (SEE ADDENDUM)

Councilman Luna moved to do so, seconded by Councilman Jessup. The motion carried unanimously.

The Planning Board requested the Town Board's recommendation for granting final subdivision re-approval for the Harvest Ridge Subdivision. The approval was originally granted on April 20, 2010.

Mr. Wagner stated that he thought that there were legal issues which should be resolved before granting a recommendation.

Mr. Blass stated that there was some disagreement with the project's attorney, Jon Adams, as to the interpretation of the original contract from August 2010. Ms. Livigni agreed with Mr. Blass on the matter.

A brief discussion ensued.

Councilman Jessup moved to postpone addressing the matter until the next meeting on April 14, 2011. Councilman Luna seconded the motion and it carried unanimously.

Councilman Luna asked the Board to approve a surveyor for the Sleight Farm property. Jen Cherry of the Dutchess Land Conservancy had submitted the following list of recommendations.

- Chase Land Surveyors: \$70 per acre; \$100 per farmstead complex (Quoted approximately \$7,500 - \$8,005). Completion: 2 weeks
- Bly & Houston: \$7,900; \$3,500 deposit required. Completion: 20 -30 days.
- Brian Franks: \$14,500
- Barger / Miller: \$7,300; \$3,600 deposit required; Completion: 6 -8 weeks.

The DLC had previously worked with Chase Land Surveyors and recommended them.

Councilman Jessup moved to approve hiring Chase Land Surveyors for the job, seconded by Councilman Luna and carried unanimously.

The Supervisor presented a resolution regarding the settlement of a tax certiorari for 109 Sleight Plass Road and one for 2-8 Eleanor Lane.

He felt that the Board needed more information from the Town Attorney, Mr. Barnett and the Assessor, Mr. Taft before taking any action.

Councilman Luna moved to postpone the matter for both certioraris. Councilman Jessup seconded the motion and it was carried by all.

Mr. Wagner asked for Board approval for him and the Town Comptroller to attend the NYS GFOA 2011 Annual Conference in Albany. The conference will deal with cash management, budgeting solutions, shared services, property tax levy caps as well as other pertinent issues facing municipalities. The total cost per person will be \$585.00.

Councilman Luna moved to approve the request, seconded by Councilman Polhemus and carried by all.

The Town Comptroller asked the Board to approve the final 2010 budget amendments and transfers. (SEE ADDENDUM)

Councilman Jessup moved to approve the request, seconded by Councilman Luna and carried by all.

The Building Inspector requested Board approval for a Soil Erosion Control Bond in the amount of \$1,500.00 for 131 Keith Drive; grid #6361-03-093497.

Councilman Luna moved to approve the bond, seconded by Councilman Polhemus and carried by all.

The Building Inspector requested Board approval for a Site Grading Bond in the amount of \$50,000.00 for Route 55/ Taconic Parkway; grid # 6460-02-945946.

Councilman Luna moved to approve the bond, seconded by Councilman Jessup and carried by all.

The Building Inspector requested Board approval for a Performance Bonds for the following grid number:

- 6460-02-945946 / 22 Taconic Center Lane (HVAC) \$2,000.00
- 6460-02-945946 (Survey) \$2,000.00
- 6460-02-945946 (Sprinkler System) \$2,000.00
- 6460-02-945946 (Zone Map for Fire Alarm) \$2,000.00

Councilman Luna moved to approve the bonds, seconded by Councilman Jessup and carried by all.

Committee Reports

Water and Sewer

No report

Recreation

The back stop at Stringham Park will be installed when the ground dries out.

Open Space

Councilman Jessup stated that the Committee had met on March 14th. They continue to vet out prospective properties for purchase.

Highway

Councilman Jessup stated due to the severe weather the Committee had been unable to meet. The first meeting is scheduled for April 21st.

Town Attorney

No comments

Administrator of Public Works

No comments

Town Board Comments

Mr. Wagner stated that he had asked the new Tax Assessor to review the assessment rolls and to prepare a cost analysis as to how much the corrections to the tax roll will impact the Town' s

budget. It appears that some new construction (newly built homes) had not yet been added to the tax roll and those parcels were being assessed as vacant land.

Public Comment

Councilman Luna moved to open the Public Comment, seconded by Councilman Jessup and carried by all.

Mr. John Page Jr., representing John Page Development Company, addressed the Board. He was in the process of trying to purchase property, i.e. Manchester Center from Frosted Man LLC. The property is located on Route 55 where the T MAN restaurant used to be located. There was an existing nonconforming use permit which has expired. About 90 % of the renovation work is completed, but before moving forward, he would like to know how to remedy the expired building permit.

Mr. Blass stated that this issue had just come to his attention that morning and he would need time to look into the matter.

A brief discussion followed.

Mr. Page assured the Board that the building now has an elaborate sprinkler system in place. He provided a digital photograph of the system. The property had been damaged in a fire which resulted in a fatality.

Mr. Luna stated that as soon as the Board received the report from the Building Inspector, they would work with Mr. Blass to deal with issue. Mr. Blass stated that a simple code amendment could be used to remedy the situation.

The property would be part of the new Gateway Hamlet and will have a one bedroom apartment and a second floor two bedroom apartment as well as retail space on the first floor. Mr. Page wants to fix up the appearance of the building as well.

Mr. Page asked Mr. Blass if he would be willing to contact the seller and let her know that the matter was being addressed by the Town.

Mr. Blass stated that he could do that.

Mr. Kaminsky of the LaGrange Library Board addressed the Board. He stated that they were looking for two new Board members to replace two who are leaving in June. They are interested in a piece of property, but cannot do anything until they have a secure source of income. To erect a 15,000 square foot building it will cost about \$6 million without land. They had a grant to do a survey to ascertain how much money they could raise and that amount was only \$1.5 million. Even if the size of the structure is reduced to 10,000 square feet, they still would not be able to do it.

The \$600,000 that the Town Board budgets for the library is for operating expenses and will never enable them to build a library. He added that they might have another referendum to try and secure the money. He would welcome having a group of people to endow the library since if they had 30 people to endow the library with \$100,000, they would have \$3 million.

The size of 15,000 square feet would give the Town access to a community room and space for the Historical Society. They would make the library like a community center.

Mr. Wagner stated that the financial reality is unknown at this time and the final outcome of any tax caps may have a negative impact on the library and the Town. The State is encouraging merging and sharing services between municipalities and consolidation. The training he will be attending may give some insight into the financial situation everyone is facing.

A brief discussion followed.

Mr. Plavachan addressed the Board. He thanked Mr. Luna for attending the East Fishkill Planning Board hearing on the proposed Dunkin Donuts near the Taconic Parkway and Rout 82. He asked the Board to consider a law to dismiss any councilman who misses three or more meetings in a row.

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

Councilman Jessup moved to adjourn, seconded by Councilman Polhemus. The motion was carried by all.

The meeting adjourned at 7:58 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
LaGrange Town Clerk

Addendum

- 2011 Fee Schedule Amendments
- NYS GFOA Newsletter
- Final 2010 Budget Amendments & Transfers

TOWN OF LAGRANGE
OFFICE OF THE BUILDING INSPECTOR
120 Stringham Road, LaGrangeville, NY 12540
845-452-2046; Fax 845-452 7692

DATE: March 21, 2011

TO: Jon J. Wagner, Supervisor
Town Board

FROM Office of the Building Inspector

Kenneth W. McLaughlin

RE: Proposed Amendments to LaGrange Fee Schedule

This office respectfully requests that the following permit fees be adopted by the Town Board and be added to the standard schedule of fees:

	<u>Review Fee</u>	<u>Admin. Fee</u>	<u>Permit Fee</u>	<u>Total</u>
Residential Demolition Permits				
Accessory Structures with a valid CO or permit	\$ 5.00	\$ 25.00	\$30.00	\$ 60.00
Accessory Structures without a valid Building Permit	\$ 5.00	\$ 50.00	\$55.00	\$110.00
Towers (residential)				
Ham Radio antennae				
Under 50'	\$25.00	\$ 10.00	\$100.00	\$135.00
Over 50'	\$25.00	\$ 25.00	\$200.00	\$250.00
Copies				
Copied to disk				\$ 25.00

If you have any questions regarding these fees, please contact this office.

Respectfully submitted,



Kenneth W. McLaughlin
Building Inspector

KWM/sh

NYS GFOA

Identifies Issues of Concern Regarding A Real Property Tax Levy Cap in New York State

MARCH 18, 2011



The Legal and Legislative Committee of the New York State Government Finance Officers' Association, Inc. (NYS GFOA) has examined the concept of a real property tax cap in New York State and has developed the following list of issues which should be taken under consideration.

REAL PROPERTY TAX LEVY EXCLUSIONS FOR DEBT SERVICE

- A tax levy limitation statute should permit an exclusion from a local government's tax levy limitation for all items that are authorized to be financed by a local government pursuant to the NYS Local Finance Law. This exclusion should include both voter approved and legislative body approved financing.
- The statute as proposed could come under legal challenge in that the statute may be held to be unconstitutional for violating the relevant provisions of Article VIII, Section 12 of the New York State Constitution, which recognizes the power of the State Legislature to restrict local government taxation of property but also expressly states that "the legislature shall not, however, restrict the power to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted." Additionally, litigation (or the threat of litigation) to challenge the statute on such grounds could disrupt the market for bonds and notes issued by local governments.
- Local governments could be forced to choose between providing adequate resources to support operations and investing in infrastructure. Such choices could potentially cause the capital assets of the local government to further deteriorate and substantially increase replacement or reconstruction costs.

EXCEEDING THE PROPERTY TAX LEVY LIMITATION

- In addition to the process in the proposed statute for local governments and school districts to seek approval to exceed the real property tax levy cap, a local government should be permitted to request the authority to exceed its tax levy limitation for one or more consecutive years pursuant to its Municipal Home Rule powers.

CARRY-OVER OF UNUSED REAL PROPERTY TAX LEVY LIMITATION(S) FROM A PRIOR YEAR(S)

- A tax levy limitation statute should address whether a local government can carry over any unused tax levy limitation from a prior year(s).

ADJUSTMENTS TO THE REAL PROPERTY TAX LEVY LIMITATION

- Local governments should be permitted to adjust the amount of the tax levy limitation by that portion of the tax levy that is attributable to any increase or decrease over the prior year in the cost of a local government's share of certain State mandated initiatives or State funded programs.

ECONOMIC DEVELOPMENT IMPLICATIONS

- Any tax levy limitation statute should ensure that it does not discourage local governments from pursuing local economic development opportunities. The statute should include a methodology that will determine that the increased costs in public services being incurred by the local government as a result of an economic development project will be recovered through an increase in the total assessment roll once the project is completed and added to the roll.

ADDITIONAL ISSUES FOR CONSIDERATION

A Tax Levy limitation statute should also address the following:

- The consolidation of two or more local governments.
- The creation or dissolution of a unit of local government.
- The transfer of the delivery of services from one unit of local government to another.
- Address the fact that there are different fiscal year commencement dates for local governments, for (i) making the calculation of the tax levy limitation, (ii) verification of the calculation by an independent party and (iii) making adjustments to the levy limitation as originally calculated.

ANY QUESTIONS regarding the above issues should be directed to the NYS GFOA by contacting **Maura K. Ryan**, Executive Director at (518) 465-1512 or ryan@nysgfoa.org.

2010 FINAL BUDGET AMENDMENTS

	<u>Manchester Water District</u>		
Inc.	Metered Sales (2140)	6,900.00	
Inc.	Insurance Recoveries (2680)	9,655.00	
Inc.	Int. & Penalty on Water Rents (2148)	600.00	
Inc.	Bond Anticipation Notes, Princ (9730.6)		13,249.58
Inc.	Bond Anticipation Notes, Int. (9730.7)		3,905.42
	<u>Noxon Knolls Sewer District</u>		
Inc.	Appropriated Fund Balance (599)	1,772.97	
Inc.	Sewage Trtmt. & Disposal, Cont. (8130.4)		1,772.97
	<u>Titusville Sewer District</u>		
Inc.	Sewer Operation and Maintenance State Aid (3901)	302,195.48	
Inc.	Sewage Trtmt. & Disposal, Cont. (8130.2)		302,195.48
	Amend budget for GIGP grant reimbursement		

2010 FINAL BUDGET TRANSFERS

	FROM	TO	AMT.
General Fund:	Judicial, Contractual Exp. (1110.4)	Judicial, Pers. Serv. (1110.1)	1,044.10
	Supervisor, Pers. Serv. (1220.1)	Comptroller, Pers. Serv. (1315.1)	177.23
	Judicial, Contractual Exp. (1110.4)	Independent Auditor, Cont. (1320.4)	1,804.87
	Supervisor, Pers. Serv. (1220.1)	Independent Auditor, Cont. (1320.4)	106.38
	Assessors, Pers. Serv. (1355.1)	Fiscal Agents, Cont. Exp. (1380.4)	225.00
	Highway Garage, Cont. (5132.4)	Street Lighting, Cont. Exp. (5182.4)	215.78
	Planning, Cont. Exp. (8020.4)	Planning, Pers. Serv. (8020.1)	0.01
	Medical Insurance Benefits (9060.8)	State Retirement Benefits (9010.8)	21,661.50
Highway Fund:	Statutory Installment Bond, Princ. (9720.6)	General Repairs, Cont. (5110.4)	2,708.99
	Statutory Installment Bond, Princ. (9720.6)	Snow Removal, Pers. Serv. (5142.1)	8,476.05
	Statutory Installment Bond, Princ. (9720.6)	State Retirement Benefits (9010.8)	11,300.00
	Medical Insurance Benefits (9060.8)	State Retirement Benefits (9010.8)	4,060.50
	Medical Insurance Benefits (9060.8)	Social Security Benefits (9030.8)	159.95
	Medical Insurance Benefits (9060.8)	Unemployment Insurance Benefits (9050.8)	741.78
	Bond Anticipation Notes, Int. (9730.7)	Statutory Installment Bond, Int. (9720.7)	1,225.50
Manchester Water:	Source of Supply, Cont. (8320.4)	Bond Anticipation Notes, Int. (9730.7)	3,976.79
Titusville Sewer:	Sewage Treatment & Disp., Cont. (8130.4)	Sewage Treatment & Disp., Equip. (8130.2)	125,461.91