

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

**TOWN BOARD MEETING
March 11, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Dale Borchert
Councilman Steve O'Hare

Absent: Councilman Gary Beck

Recording Secretary: Christine O'Reilly-Rao

Others Present: Wanda Livigni, Administrator of Public Works
Peter Huff, Recreation Director
Steve Mance, Environmental Consultants
Ron Blass, Esq., Van De Water & Van De Water
Greg Bolner, Engineer, Clark Patterson Lee

A regular meeting of the Town Board was held on March 11, 2009, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. and the Clerk led the flag salute.

Mr. Kiviat, Director of the nonprofit organization Hudsonia, Ltd. addressed the Board and audience. Hudsonia is located in Red Hook and does ecological scientific research to educate the public. Information is used for land use planning and environmental management.

Ms. Hartwig, a biologist at Hudsonia, gave a power point presentation on the Blanding's turtle and its habitat. The turtle is indigenous to the Great Lakes region, St. Lawrence Valley and the Hudson Valley. It is considered an endangered species by the State of New York. It is threatened by suburban sprawl and predators such as raccoons which are associated with suburbia.

Hudsonia has mapped out potential habitats in Southern Dutchess County, with a range that includes the towns of East Fishkill, Wappinger, Poughkeepsie, LaGrange, Pleasant Valley, Hyde Park, Clinton, Stanford, Rhinebeck, Milan and Red Hook. Their particular habitat is shrubby wetlands that include buttonbush. Conservation of these habitats is vital to the survival of the Blanding's turtle. Protecting the Blanding's turtle will also protect other threatened species such as the ribbon snake, spotted turtle, bitten wood frog, and marsh birds. Land use planning will protect not only the turtles but also the quality of ground water aquifers. Hudsonia can provide the Town's Planning Board and the Town's Council Members with mapping information that will assist them in future planning and development decisions.

Supervisor Wagner thanked the Hudsonia members for the presentation. Councilman Borchert commented that he was pleased that The Town's Comprehensive Plan and Open Space Plan had taken into account many of the planning recommendations made in the presentation.

Supervisor Wagner called for a 5 minute break at 8:10 p.m. in order to remove the projector and other equipment.

At 8:15 p.m., Supervisor Wagner called for order and the meeting resumed.

Supervisor Wagner asked for a motion to accept the minutes from February 25, 2009. Councilman Luna so moved seconded by Councilman Borchert and carried unanimously.

Monthly Reports

Supervisor Wagner asked for approval of the monthly reports which include state, county and local shares.

Building, Planning, Zoning & Public Works	\$12,445.00
Justice Caplicki	\$25,048.00
Justice Greller	\$26,442.50
Town Clerk	\$2,197.12

Councilman Borchert so moved, seconded by Councilman Luna and carried by all.

Correspondence

Supervisor Wagner stated that the Sunrise Rotary had requested approval for the use of Stringham Park on Saturday, April 18th for a walk for polio. The eradication of polio is an international concern for the Rotary. They will be working with the Arlington High School Interact Club and will provide an insurance certificate and volunteers to direct parking.

Supervisor Wagner asked Mr. Feldman if it would be problematic since it was the first Saturday of soccer. Mr. Feldman replied that he did not foresee any problem.

Councilman Luna moved to allow the Rotary to use the park, seconded by Councilman O'Hare and carried unanimously.

Supervisor Wagner asked the Board to approve placement of an election style sign for the annual *TRASH BASH* which will be held on Saturday, April 25, 2009.

Councilman O'Hare so moved, seconded by Councilman Luna and carried by all.

The CAC will sponsor an Art Contest at Arlington High School to celebrate Earth Day on April 22nd. There will be cash prizes which are being donated by Mr. Htoo, Chairman of the CAC. Mr. Wagner wanted to personally thank Mr. Htoo for his generosity.

Suzanne Horn, County Legislator, will host a forum on sex offenders at Traver Road School, at 7:00 p.m. on Monday, March 23, 2009.

There is an essay contest sponsored by The Dutchess County Young Republicans which is open to high school and college students. The prize for the high school winner is a day shadowing Mark Molinaro of the 103rd Assembly District. The application deadline is March 31, 2009.

Supervisor's Report

The Town website had been subject to robotic computer attack several weeks ago. The cost to rebuild the website with updated security features is \$4,972.00. Supervisor Wagner noted that it was an unfortunate time for the Town to have to incur this expense, but that it was necessary to be able to provide LaGrange residents with access to Town information such as agendas, minutes the calendar of events and provide on line forms. The update will greatly enhance the website. Councilman O'Hare so moved seconded by Councilman Borchert and carried by all.

About one dozen projects that the Town submitted for consideration for stimulus funding, which included expanding the sewer plant and refinancing the sewer plant with low interest or interest free monies did not get through to the first round of funding. The Town was also interested in securing funding to get sidewalks for Dr. Fink Road as a traffic enhancement project. That project made it to the second round listing, but it appears that the NYSDOT is not interested in the project. Mr. Wagner will look into outside support from various elected officials for this project since that road has been the scene of numerous accidents.

Mr. Wagner stated that the proposed payroll tax will adversely affect not only businesses, but also cost the Town of LaGrange around \$10,000.00. In addition, it will also impact our school taxes. The Town Board's opposition as well as that of the Mayor's & Supervisor's Association to the tax was registered on the website. He urged citizens to voice their opposition to this tax by logging onto the Chamber of Commerce website. He also urged citizens to contact their elected officials.

Supervisor Wagner stated that after contacting John Butler of Verizon Government Affairs, it seems clear that FIOS will not be available in LaGrange in the foreseeable future. A franchise agreement must be negotiated with the Town if Verizon wants to extend service within the Town. Verizon has made a decision not to expand in the Town although they will expand in Fishkill and Hyde Park. Internet and telephone through Verizon is available in LaGrange, but not television, which is regulated by different State laws and the Public Service Commission.

Supervisor Wagner stated that in reviewing terms of appointments some errors in the expiration of terms for various committees were found. He asked the Board for a motion to amend the minutes of January 9, 2008 and January 14, 2009 to reflect corrected

expiration of terms (12/31/09) for Judy Wolfe, Robert Kinkade, Mary Gomez and Rolf Nijuis and an expiration of terms for Nancy Swanson and Linda McPhee (12/31/10).

Councilman O'Hare so moved seconded by Councilman Borchert and carried unanimously.

Mr. Wagner then asked the Board to reappoint the following due to the fact that they had not taken the oath of office in a timely manner:

Court Attendants Ivan Lansky, Robert Cross Jr. and Edward Mulford
Councilman Borchert so moved seconded by Councilman Luna and carried by all.

Board of Assessment Review member James Bisceglia with a term to expire 9/31/2012
Councilman O'Hare so moved seconded by Councilman Luna and carried by all.

Zoning Board of Appeals member Aaron McPeck with a term to expire 12/31/2012
Councilman Luna so moved seconded by Councilman O'Hare and carried by all.

Planning Board member Edward Jessup with a term to expire 12/31/2014
Councilman Borchert so moved seconded by Councilman Luna and carried by all.

CAC members Christian Rohrbach and Paul Horstmann with terms to expire 12/31/2010
Councilman O'Hare so moved seconded by Councilman Borchert and carried by all.

Jeff Feldman representing the LaGrange Soccer Club asked the Board to consider the use of Stringham Park on the 2nd or 4th weekend of July for a state-wide tournament of New York State teams. It would be a gathering of premier teams and would be a single elimination tournament. The LaGrange Soccer Club would be working in conjunction with US Club Soccer.

Councilman O'Hare asked if the tournament would generate revenue for the Club.

Mr. Feldman replied that in a similar type tournament that was held in New Jersey, over 300 teams competed and it was very successful. Revenue for the club as well as LaGrange businesses would undoubtedly profit from the tournament. Registration fees would be \$400-\$500 per team, but the Club hopes to get \$100- \$150 per team.

Councilman Borchert asked if the fields could sustain the use.

Mr. Huff, Recreation Director, felt that there would be no problem with the fields.
Mr. Feldman added that the fields are irrigated so there should be no problem.

Councilman O'Hare moved to approve use of the fields seconded by Councilman Luna and carried by all.

Mr. Feldman further added that the Special Needs Winter Bowling was a success with 75 youths and young adults participating. Special Needs Basketball was also very successful with eight young adults participating.

Supervisor Wagner wanted the Board to know that he and Ms. Livigni had attended a Flood Summit and there should be future discussion of a moratorium on building in flood plains in the Town. In addition, the Open Space application would be discussed in the next workshop meeting.

He then asked the Board to review a resolution for the Wappinger Creek Intermunicipal Council Goals for 2007-2010. The CAC had reviewed the resolution and was in agreement with its goals.

Councilman Luna had no objections to the resolution, but he stated that Ms. Livigni and Councilman Borchert both expressed concern about paragraph one and the possible commitment of funds to develop a water use management plan. Ms. Livigni stated that she needed more time to evaluate the plan. It was agreed to review it further and place it on a future agenda.

Supervisor Wagner stated that a Public Hearing for Improvements to the Manchester Water District Facilities was next on the agenda.

Ms. Livigni stated that these improvements consisted of switching out pumps and installing a generator at the Deerfield Booster Station upgrade which would address water pressure issues in the Deerfield Water District and also provide the water flow needed for the Rolling Meadows subdivision.

Mr. Blass stated that there would be a maximum expenditure not to exceed \$265,000.00 for both hard and soft costs. This would be charged against the Manchester Water District which is in contractual arrangement with Deerfield. The Public Hearing is for the authorization for the Manchester Water District to issue additional debt of \$265,000.00 to finance the project.

Supervisor Wagner asked for a motion to open the Public Hearing for Improvements to the Manchester Water District Facilities.

Councilman Borchert moved to open the Public Hearing, seconded by Councilman Luna and carried by all.

Mr. Plavchan asked what the project entailed.

Mr. Bolner gave a breakdown of the equipment and the costs and stated that the project would go out for competitive bid. (SEE ADDENDUM)

Mr. Plavchan: INAUDIBLE (He did not use the microphone and spoke from his seat.)

Ms. Livigni added that the project was open to competitive bid and the generator would have to comply with the specifications provided by the Town Engineer.

Mr. Bolner stated that the estimate was based on a Caterpillar generator.

Mr. Eugene Field of Milano Drive was concerned that new equipment had to be purchased for the Manchester Water District. He felt that developers have already had to bail out Deerfield by running the water lines through the Sleight Farm and Frank Farm developments and stated that there are suppose to be 157 units and not even 100 are built yet. He was concerned about being taxed because the Manchester Water District picked up an underfunded and outdated water district.

Ms. Livigni stated that Deerfield existed before Manchester Water District, which has been in existence for about 3 years. The booster pump station was not part of Manchester Water District formation or upgrade; it was an existing facility.

Mr. Bolner added that this improvement will provide service to both the Deerfield and the Rolling Meadow Subdivisions. It is more cost effective to provide service to both Deerfield and Rolling Meadows.

Mr. Field wanted further clarification. (INAUDIBLE, he did not leave his seat and speak into the microphone for the record.)

Mr. Bolner also stated that the Rolling Meadows Subdivision has a contractual agreement with the Town and contributed \$780,000.00 to the Manchester Water District with each unit in the subdivision being equally assessed benefit assessments. Part of the contractual arrangement took into consideration the need for improvements.

Mr. Blass added that the money contributed to the Manchester Water District last year which drove down the debt paid by the Manchester Water District tenants.

A discussion about water towers ensued. (INAUDIBLE)

Mr. Bolner stated that you have to have a 50-80 foot tank in the Deerfield District on the Hillview property to provide 35 PSI.

Mr. Mance stated that due to the topography in the area there needs to be pumps.

Councilman Borchert moved to close the Public Hearing, seconded by Councilman O'Hare and carried by all.

The Board was asked to vote on the SEQR Negative Declaration. (SEE ADDENDUM)

RESULT:	ADOPTED [UNANIMOUS]
MOVED:	Councilman Borchert
SECONDED:	Councilman O'Hare
AYES:	Luna, O'Hare, Borchert, Wagner
NAYS:	

Supervisor Wagner asked for a motion to adopt the resolution which finds the expenditure to be in the public interest. (SEE ADDENDUM)

RESULT:	ADOPTED [UNANIMOUS]
MOVED:	Councilman O'Hare
SECONDED:	Councilman Borchert
AYES:	Luna, O'Hare, Borchert, Wagner
NAYS:	

Supervisor Wagner asked for a motion to adopt the borrowing resolution. (SEE ADDENDUM)

RESULT:	ADOPTED [UNANIMOUS]
MOVED:	Councilman O'Hare
SECONDED:	Councilman Luna
AYES:	Luna, O'Hare, Borchert, Wagner
NAYS:	

Supervisor Wagner asked for a motion to open the Public Hearing for the formation of the Providence Estates Subdivision Drainage District. This is a new development and all costs for the infrastructure will be borne by the developer.

Councilman O'Hare so moved, seconded by Councilman Luna and carried by all.

There was no comment from then public.

Councilman Luna moved to close the Public Hearing, seconded by Councilman Borchert and carried by all.

Supervisor Wagner asked for a motion to adopt the resolution establishing the Providence Estates Subdivision Drainage District. (SEE ADDENDUM)

RESULT:	ADOPTED [UNANIMOUS]
MOVED:	Councilman O'Hare
SECONDED:	Councilman Luna
AYES:	Luna, O'Hare, Borchert, Wagner
NAYS:	

Committee Reports

There were no reports.

Councilman Luna moved to open the meeting for public comment. Councilman O'Hare seconded the motion and it carried unanimously.

Mr. Plavchan commented that he was against the proposed MTA Tax and inquired as to the whereabouts of Councilman Beck for the past 6 months. He added that the Board should consider having only four members since they function very well in Mr. Beck's absence.

Councilman O'Hare moved to close the Public comment, seconded by Councilman Borchert and carried by all.

Councilman O'Hare moved to adjourn the meeting, seconded by Councilman Borchert and carried by all.

The meeting was adjourned at 9:15 p. m.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- **Manchester Water District/Deerfield Booster Pump Upgrade Estimates**
- **SEQR/Negative Declaration Improvement of Facilities of Manchester Water District (Deerfield Booster Pump)**
- **Resolution: Improvement of Facilities of Manchester Water District (Deerfield Booster Pump) Expenditure to be in the Public Interest**
- **Resolution: Improvement of Facilities of Manchester Water District (Deerfield Booster Pump) Authorization of the Issuance of Serial Bonds in the amount of \$265,000**
- **Resolution for the Establishment of the Providence Subdivision Drainage District**
- **Affidavit of Publication of the Notice of Public Hearing for Resolution: Improvement of Facilities of Manchester Water District (Deerfield Booster Pump) Authorization of the Issuance of Serial Bonds in the amount of \$265,000**
- **Affidavit of Publication for Resolution: Establishment of Providence Estates Subdivision Drainage District**