

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

**TOWN BOARD MEETING  
June 24, 2009**

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

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

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

A regular meeting of the Town Board was held on Wednesday, June 24, 2009 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to amend the minutes from June 10, 2009 to reflect a corrected monthly report for planning fees. The correct amount is \$750.00 and not \$1,500.00. Councilman Borchert so moved, seconded by Councilman Beck and carried by all. The Supervisor asked for a motion to approve the minutes from June 10, 2009. Councilman Luna moved to do so, seconded by Councilman O'Hare and carried unanimously.

**Correspondence**

Supervisor Wagner informed the Board that Joe Salfelder, Chairman of the Open Space Committee, has officially tendered his resignation. Mr. Wagner stated that the resignation should be addressed to the clerk's office. Councilman Luna moved to accept the resignation with regret, seconded by Councilman O'Hare and carried unanimously.

Mr. Wagner also stated that there was a rezoning request from Angelo Ferri regarding property located at 210 Noxon Road. Mr. Ferri states in his letter that his property had been rezoned from R-40 Residential to Planned Office without his knowledge or consent. He is requesting that the Board change the designation back to R-40 or to C-1 Commercial which is the zoning designation of the adjacent property at 150 Noxon Road. The Supervisor noted that this rezoning had been part of the last Master Plan review. He had already spoken to Mr. Ferri and informed him that his request would be considered during the Board's "re-look" of the Master Plan.

Councilman Luna took exception to the first sentence in the letter which stated that the rezoning took place without Mr. Ferri's knowledge, comment or input.

Mr. Luna stated that this was false and that Mr. Ferri had been notified and was fine with the rezoning.

Councilman Beck agreed with Councilman Luna on this point.

The Dutchess Land Conservancy has provided an updated map and list of land protected by conservation easements in LaGrange. The mission of the DLC is to protect open space and farmland in Dutchess County. The list of conserved lands can be found in the addendum.

Maureen Harvey, a Planning Board alternate, had previously disclosed a conflict of interest due to a potential real estate transaction with a developer. Her current letter states there is no longer a conflict of interest since she is no longer involved in that transaction.

The Supervisor asked Mr. Blass to weigh in on this matter. He stated that on May 5, 2009 his firm had issued an opinion letter; the gist of which stated that Ms. Harvey had the choice of pursuing the acquisition of the encumbered wetland property through the Town Center developer or to give up any interest in it. This letter was sent to the Planning Board and Ms. Harvey; after which, she recused herself from any matters pertaining to Town Center. However, Mr. Blass noted that her initial choice was in pursuing the property. He concluded that this current letter should not change the status quo of her participation in the Town Center project.

Supervisor Wagner read a letter from the Dutchess County Commissioner of Health, Michael Caldwell which dealt with the swine flu epidemic and how event planners should implement certain procedures to curb its spread.

### **Supervisor's Report**

Mr. Wagner informed the Board that there was a model upstairs of a statue in honor of Charlie Johnson, a Korean War hero and Arlington High School graduate who was killed in action. A full size statue will eventually be place at the high school.

The Supervisor discussed the potential for an intergovernmental building which would be part of a shared services agreement between the LaGrange library, Arlington School District and Town Hall. The use of publically owned land would eliminate rental fees for both the library and school. In addition, the potential to use geothermal and solar energies would be an environmentally responsible and save tax payers money.

The problem with the roof on the Town Hall cannot be fixed without removing it. Funding for this project would be sought.

### **Resolution**

Mr. Blass explained that Ms. Valk had audited the Town Code to give the Town Board the ability to change fees by resolution and charge application fees.

Mr. Wagner introduced a resolution which would amend the Town Code by removing the exact dollar amount of fees and allowing for application fees. (SEEE ADDENDUM)

The Supervisor informed the Board that he had held a staff meeting on Tuesday. The MTA tax and surcharges on insurance premiums and vehicle registration is having an adverse effect on the Town budget. Mortgage revenues are down and he requested that all department heads work to keep spending at a minimum. There will be no overtime except for emergencies. No training or travel for training will be authorized. Mr. Wagner feels that this budget cycle will be a difficult one.

## **Public Hearing**

The Supervisor asked for a motion to open the Public Hearing for a local law which would add an article to Chapter 203 of the Town Code regarding the approval of subdivisions in sections or phases. Mr. Blass noted that this amendment to Chapter 203 of the Town Code lays out the standards for the Planning Board in regard to subdivisions; currently no standards exist. The applicant will be required to show that each phase of the subdivision can stand alone without negative environmental consequences. He added that comments received from the County stated that this would be a matter of local concern.

Councilman Borchert moved to open the public hearing seconded by Councilman O'Hare and carried by all.

There were no comments.

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

### **Negative Declaration:** Local Law 1-2009 (Subdivisions in Sections or Phases)

Councilman Beck moved to adopt the negative declaration with EAF. Councilman Borchert seconded the motion and it carried unanimously. (SEE ADDENDUM)

**Resolution:** Local Law 1-2009 Chapter 203 Subdivisions in Sections or Phases.  
(SEE ADDENDUM)

## **Committee Reports**

### **Water & Sewer**

No report

### **Recreation**

Mr. Huff stated that the Committee had discussed the proposed playground at Noxon Road. The cost of an engineering study and flooding issues were addressed.

Councilman O'Hare added that the original estimated cost was about \$65,000.00 and the engineering study would be an additional \$25,000.00.

### **Open Space**

Councilman Borchert stated that at the last meeting two new members were appointed. Mr. Beyer and Mr. Lucas will co chair the Committee. The Committee will begin to meet regularly.

### **Highway**

No report.

### **Town Board Comments**

There were no comments.

### **Town Attorney**

Mr. Blass was asked to address the possibility of a Verizon franchise agreement. He had looked into other municipalities' agreements and the proposed roll out schedules for the installation of infrastructure. At this time, Verizon has no plans to come into La Grange and offer FIOS. Town residents seeking FIOS have been informed by Verizon reps that the Town is not interested in having them in the Town which is not true. Since Verizon has clearly made it known that they intend to build out in Fishkill, Wappingers and the City of Poughkeepsie, but not LaGrange, efforts to negotiate a franchise agreement would be fruitless. The Town Board would like Mr. Blass to request that Verizon cease misinforming residents about the Town's stance on the having Verizon in the Town.

Councilman O'Hare added that he felt it was a case of bait and switch. Three products are offered: internet, telephone and FIOS. Verizon offered the first two while hinting that FIOS was likely to be available at a future date.

### **Public Works**

Ms. Livigni provided the Board with documentation for her request to release the retainage fee early for Metra Industries for work completed in the Mapleview Water District. Councilman Borchert stated he would prefer to wait to release the money. No motion was made to release the funds early.

Supervisor Wagner added he would like to inform the Board of correspondence from Leslie Roe thanking the highway department for its professional manner in the removal of a large tree which had fallen across Skidmore Road.

### **Environmental Consultants**

Diana Campaglione informed the Board that copper lines were replaced by plastic ones at the Hillview Storage Tank due to corrosion.

### **Public Comment**

Councilman Luna moved to open the Public Comment, seconded by Councilman O'Hare and carried unanimously.

Allison Withers of the Library addressed the Board. A promotion involving area businesses to encourage children to read will once again kick off this summer and last through the fall. The summer reading program will begin July 6<sup>th</sup> and end August 3<sup>rd</sup> for K-5. No registration is necessary and the program is free.

Supervisor Wagner asked for a motion to close the public comment. Councilman Borchert so moved seconded by Councilman O'Hare and carried by all.

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

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Christine O'Reilly-Rao  
Town Clerk

#### **ADDENDUM**

- Resolution: Amending Sections of Town Code Addressing Fees
- Affidavit of Publication: Chapter 203 Approval of Subdivisions in Sections or Phases
- Dutchess County Comments: Chapter 203 Approval of Subdivisions in Sections or Phases
- Negative Declaration & EAF: Chapter 203 Approval of Subdivisions in Sections or Phases
- Resolution: Chapter 203 Approval of Subdivisions in Sections or Phases
- DLC: List of Conserved Lands in LaGrange