

Notice having been posted and provided to the *Times-Herald Record* notifying of the change of meeting place, the Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Tuesday, June 11, 2007 at the Eagle Valley Firehouse, 14 Scott Mine Road, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:34 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Ms. Francine Rauch	Councilperson
	Ms. Lisa Spivak	Councilperson
Town Board Members Absent:	Mr. Andrew L. Siegel	Councilperson

Other Town Officials Present: Mr. Daniel J. Carlin, Police Chief; Mr. Joseph P. Tripoli, Sr., Highway Superintendent; Mr. Edward Pfizenmaier, Deputy Highway Superintendent; Ms. Bonnie Franson, Town Planner; Mr. Andrew Rogers, Zoning Board of Appeals Member; Mr. Louis DeBrino, Board of Assessment Review Chairman; and Mrs. Elaine M. Laurent, Town Clerk.

The meeting was opened by a pledge of allegiance to the flag.

A moment of silence was held for long-time Town resident, Estelle Jones, who passed away on June 3, 2007 at the age of 90. She was predeceased by her husband, Garfield Jones, former Tuxedo Highway Superintendent. Survivors include one son, Charles Jones of Tuxedo, N.Y.; three daughters, Evelyn Hall of Deland, Florida., Kathleen Tripoli and her husband, Joseph, of Tuxedo, N.Y. and Constance Phelps of West Haven, Conn.; one sister, Marion Sicina; 12 grandchildren; 14 great-grandchildren; and 11 great-great-grandchildren. In lieu of flowers, contributions may be made to the Crohn's & Colitis Foundation of America, New England Chapter, 280 Hillside Avenue, Needham, MA 02494, in memory of Estelle Jones.

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on May 14, 2007, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSENTEES: [1] ABSTENTION: [1-Councilperson Rauch]

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on May 30, 2007, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSENTEES: [1] ABSTENTION: [1-Councilperson Castricone]

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for May, 2007 from the Justice Court (2), the Police Department and the Town Clerk.

PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Regarding Item #5, Mr. Andy Berish stated that the Town should have a resident of the hamlet on the ARB.

Supervisor Dolan asked for public comments on agenda items. There were none.

AGENDA ITEMS:

1. Supervisor/Town Board Update

- **Town Paving Activities**

Supervisor Dolan advised that the Highway Department has completed paving activities, including Nursery Road, Augusta Place and Joyce Nissen Drive.

MINUTES

**MONTHLY
REPORTS**

**PUBLIC COMMENTS
ON AGENDA ITEMS**

AGENDA ITEMS:

**Supervisor/Town
Board Update**

**Town Paving
Activities**

AGENDA ITEMS
(Continued)

Supervisor/Town
Board Update
(Continued)

*Millennium Pipeline -
Project Status Report*

*Columbia Gas
Pipeline Maintenance*

*Memorial Day
Activities*

*Maplebrook
Water Supply*

*Ambulance Corps
Fundraising*

**Presentation by
Tuxedo Reserve
Regarding Special
Permit Amendment**

**Resolution
to Schedule Public
Hearing Regarding
Tuxedo Reserve
Proposed Special
Permit Amendment**

AGENDA ITEMS (Continued):

1. Supervisor/Town Board Update (Continued)

• **Millennium Pipeline - Project Status Report**

Supervisor Dolan advised that, as of week ending June 2, 2007, mobilization of the pipeline project is 15% complete. Numerous deliveries of pipe segments and heavy equipment have been made to the construction storage yard at the former Cintichem site on Long Meadow Road. These deliveries will continue through the next few weeks, and residents should expect heavy truck traffic during that period. Millennium is conducting continuous construction management and environmental inspections throughout the course of the project.

• **Columbia Gas Pipeline Maintenance**

Supervisor Dolan advised that the regularly-scheduled maintenance of the gas pipeline on Long Meadow Road will take place during the week of June 18. The procedure involves blowing out natural gas from the pipes, and residents should expect the operation to be noisy and emit an odor of gas

• **Memorial Day Activities**

Supervisor Dolan advised that the Memorial Day parade was impressive, with many groups, participants and the school band marching to honor our fallen soldiers. Supervisor Dolan expressed his thanks to all who participated, especially Russ Vernon, who led the parade, and Assemblywoman Annie Rabbitt, who spoke at the post-parade ceremony.

• **Maplebrook Water Supply**

Councilperson Castricone advised that, after noticing that tanker trucks were pumping water into the tower that serves the Maplebrook area, he contacted United Water NY and was advised that, due to increased usage (primarily by the golf course, especially during holidays), the Maplebrook well capacity is down to 9 gallons per minute. Consequently, United Water is filling tanker trucks from the hydrant near International Paper on Long Meadow Road and filling the water tower. Residents have complained of discolored water and have expressed concerns that the hydrant water is untreated. Councilperson Castricone will ask a United Water representative to address the Town Board at an upcoming meeting to discuss corrective measures, which he is informed by United Water may include revitalizing the existing well or drilling an additional well..

• **Ambulance Corps Fundraising**

Councilperson Spivak expressed her thanks to all who participated in the Dinner/Dance on May 19, 2007 at Tuxedo Ridge. It was an event enjoyed by all. Fundraising to date has reached \$38,000, and a sign shaped like an ambulance and calibrated to show fundraising progress--the "ambu-meter"--has been placed on the Ambulance Corps property.

2. Presentation by Tuxedo Reserve Regarding Special Permit Amendment

Mr. Andrew Dance, Project Manager for the Tuxedo Reserve development, described in detail certain proposed changes to the roadway configuration and house siting which are designed to improve the development layout and reduce the amount of cutting, filling and blasting. He displayed topographical map boards depicting the changes. He noted that, since the changes entail the inclusion of approximately 4.8 acres to the plan, an amendment to the Special Permit granted by the Town Board on November 15, 2004 is required.

3. Resolution to Schedule Public Hearing Regarding Tuxedo Reserve Proposed Special Permit Amendment

Supervisor Dolan offered the following resolution and moved its adoption; Councilperson Rauch seconded its adoption.

AGENDA ITEMS (Continued):

3. Resolution to Schedule Public Hearing Regarding Tuxedo Reserve Proposed Special Permit Amendment (Continued)

WHEREAS, the Town Board of the Town of Tuxedo ("Town Board") has received the application of Tuxedo Reserve Owner, LLC (a successor of R.H. Tuxedo Development, L.P.) to amend the Special Permit issued by the Town Board on November 15, 2004 for the Tuxedo Reserve Planned Integrated Development ("Tuxedo Reserve"); and

WHEREAS, the application specifically seeks to add lands to Tuxedo Reserve consisting of (a) tax lots 14-1-13.11 and 14-1-13.2 comprising approximately 1.6 acres and (b) a portion of tax lot 14-1-9 comprising approximately 3.187 acres; and

WHEREAS, these lands are being added to facilitate access into Tuxedo Reserve and reduce the amount of cutting and filling and potential for blasting required for Phase 1 A known as the Northridge Development; and

WHEREAS, this application does not involve the right to build any additional residential or non-residential development beyond that already approved by the Special Permit nor does it reduce the amount of protected open space nor otherwise substantively change any other aspect of the Special Permit; and

WHEREAS, the Town of Tuxedo Planning Board is currently reviewing applications for subdivision and site plan approval which incorporate the lands proposed to be added by this application;

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

1. The instant application is acknowledged as received as of June 11, 2007.

2. The application is hereby referred to the Town of Tuxedo Planning Board which shall review said application within 45 days of its receipt and then report back to the Town Board with a written recommendation as to whether the Special Permit should or should not be amended and, if recommended to be amended, under what, if any, conditions such amendment should be granted.

3. The application is hereby referred to the Orange County Department of Planning for General Municipal Law §239 l, m and n review.

4. A public hearing, noticed and conducted in accordance with Town of Tuxedo Special Permit procedures, shall be held on July 23, 2007.

5. For purposes of SEQRA, the Town Board shall consider this application in accordance with 6NYCRR 617.11 (a) which allows the Town Board to amend and re-file its previously-issued SEQRA findings where there has been a project modification.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

4. Tabled Resolution to Introduce Local Law #3 of 2007, Entitled "Sign Law Amendments," to Clarify Regulations for Window and Shopping Plaza Signs

This item was tabled until the June 25, 2007 meeting.

5. Resolution to Appoint Sharon Radulov as Architectural Review Board Member

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Board hereby appoints Sharon Radulov as a member of the Architectural Review Board effective July 2, 2007, to complete the unexpired term of Peter Ashby Howard through December 31, 2008.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

**AGENDA ITEMS
(Continued)**

**Resolution
to Schedule Public
Hearing Regarding
Tuxedo Reserve
Proposed Special
Permit Amendment
(Continued)**

**Tabled Resolution to
Introduce Local Law
#3 of 2007 Entitled
"Sign Law
Amendments"**

**Resolution
to Appoint
Sharon Radulov as
Architectural Review
Board Member**

AGENDA ITEMS (Continued):

6. Resolution to Appoint Two Temporary Part-Time Highway Workers for 2007 Summer Season

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, on the recommendation of the Town Highway Superintendent, the Town Board hereby appoints Peter Barba and Christopher A. McGrady as temporary part-time Highway summer workers effective June 25, 2007 at a salary rate of \$10 per hour.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

7. Resolution to Grant Special Use Permit for Rescue Dog/Handler Training Session at Powerhouse

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Board, in accordance with the Zoning Code of the Town of Tuxedo under Article 3, Section 98-10, Column H, Item 8-K, grants and files a special permit for the Ramapo Rescue Dog Association to conduct training sessions on July 1, 2007, July 15, 2007 and July 29, 2007 from 8:30 a.m. to 12:00 noon at the Powerhouse, SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as an additional insured and furnishing a Certificate of Insurance covering the Town of Tuxedo at least 10 days prior to the commencement of the activities; and

FURTHER RESOLVED, that all signs, route markings, trash, dog waste and other paraphernalia be removed by the applicant immediately after each event.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

8. Resolution to Grant Special Use Permit for Block Party on July 14, 2006 on Constitution Court in Hamilton Estates

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board, in accordance with the Zoning Code of the Town of Tuxedo under Article 3, Section 98-10, Column H, Item 8-K, grants and files a special permit to Daria Sperzel of 35 Constitution Court, Tuxedo, NY, to conduct a block party on Constitution Court and close the roadway to through traffic on Saturday, July 14, 2007, with a rain date of Sunday, July 15, from 11:00 a.m. to 9:00 p.m.; and be it

FURTHER RESOLVED, that all signs, road barricades, trash and any other paraphernalia be removed by the applicant immediately following the event.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

9. Resolution to Grant Special Sign Permit to Tuxedo PTA to Publicize June 19, 2007 Vote on Revised School Budget

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby issues a special sign permit, for the period of June 13 through June 20, 2007, to the Tuxedo Parent/Teacher Association to place a maximum of fifty (50) signs measuring up to 20" x 30" at various locations throughout the town, except at intersections with State roads, to publicize the school budget re-vote to be held on Tuesday, June 19, 2007 from 2:00 p.m. to 9:00 p.m.; PROVIDED, HOWEVER, that all such signs be removed on June 20, 2007.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

**AGENDA ITEMS
(Continued)**

**Resolution
to Appoint Two
Temporary Part-Time
Highway Workers for
2007 Summer
Season**

**Resolution
to Grant Special Use
Permit for Rescue
Dog/Handler
Training Session at
Powerhouse**

**Resolution
to Grant Special Use
Permit for Block
Party on July 14,
2006 on Constitution
Court in Hamilton
Estates**

**Resolution
to Grant Special Sign
Permit to Tuxedo
PTA to Publicize
June 19, 2007 Vote on
Revised School
Budget**

AGENDA ITEMS (Continued):

10. Acknowledgment of Letter from Tuxedo Silver Dollars Commending Police Sergeant Patrick Welsh

Supervisor Dolan read the following letter into the record.

Dear Chief Carlin:

The Tuxedo Silver Dollars Senior organization are very grateful for allowing Sergeant Patrick Welsh to give us the information on Senior Scams at our May 7th meeting.

Sergeant Welsh is an asset to this Tuxedo Community. His candor, enthusiasm and information on scams was very enlightening and informative. He knows the subjects well. The entire group was very appreciative. We all had questions and many were surprised at some of the scams that are around today.

Thank You again!

Sincerely,

*Andrew J. Berish
President of the Tuxedo Silver Dollars*

11. Discussion of Creating Town Prosecutor Position to Prosecute State Law and Town Code Violations

It was the consensus of the Town Board that the hiring of a Town Prosecutor is prudent and beneficial to the Town. The matter will be addressed again at an upcoming meeting.

OTHER BUSINESS:

Thank-You from Recreation Department to Ken Rose of the Highway Department

Supervisor Dolan read aloud the below note from the Recreation Department.

The Tuxedo Recreation Department would like to extend our gratitude to Kenny Rose from our Highway Department, who on his own time fabricated this wooden tree for the Recreation Department which will be used as a fundraiser monitor. It will be placed in the Eagle Valley Mini Park and will display monies donated to help expand the current playground.

Resolution to Appoint Traffic Engineering Consultant for Tuxedo Reserve Project

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, subject to the review and approval of Town Counsel, the Town Board hereby authorizes the Town Supervisor to enter into an agreement with Eschbacher VHB, an affiliate of Vanasse Hangen Brustlin, Inc. (VHB), of 532 Broad Hollow Road, Suite 101, Melville, New York, to provide Traffic Engineering Consultant Services to the Planning Board with respect to the Tuxedo Reserve Project.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

There were no further items of Other Business to come before the Board.

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public. There were none.

**AGENDA ITEMS
(Continued)**

**Acknowledgment of
Letter from Tuxedo
Silver Dollars
Commending
Police Sergeant
Patrick Welsh**

**Discussion of
Appointment of a
Town Prosecutor**

OTHER BUSINESS

**Thank-You from
Recreation Department
to Ken Rose of the
Highway Department**

**Resolution
to Appoint Traffic
Engineering
Consultant for
Tuxedo Reserve
Project**

PUBLIC COMMENTS

BUDGET MODIFICATIONS

There were no budget modifications.

VOUCHERS

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers 779 through 859
General Fund Claim totaling \$125,844.20
Part-Town Fund Claim totaling \$9,041.79
Highway Town Wide Claim totaling \$7,662.34
Highway Part-Town Claim totaling \$1,185.90
Tuxedo Refuse District Claim totaling \$27,666.84
Hamlet Sewer District Claim totaling \$2,847.48
Total abstract amount: \$174,248.55

Authorization for Payment was thereafter signed by Councilperson Spivak, Supervisor Dolan and Councilperson Rauch.

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:36 p.m.

Adopted: AYES: [4] NAYS: [0] ABSENTEES: [1]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**BUDGET
MODIFICATIONS**

VOUCHERS

ADJOURNMENT