

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, December 10, 2007 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:50 p.m.

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

Town Board Members Absent: None

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. Joseph P. Tripoli, Sr., Highway Superintendent; Mr. Edward Pfizenmaier, Deputy Highway Superintendent; Mr. Thomas Darling, Councilman-elect; Mr. Frank Peverly, Zoning Board Chairman; Mr. David Maikisch, Building Inspector; and Mrs. Elaine M. Laurent, Town Clerk.

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

MINUTES

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on November 26, 2007, as submitted.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

MONTHLY REPORTS

MONTHLY REPORTS

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

PUBLIC COMMENTS ON AGENDA ITEMS

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

AGENDA ITEMS:

AGENDA ITEMS: Town Supervisor/ Town Board Update

1. Town Supervisor/Town Board Update

- Lighting of Menorah

Supervisor Dolan advised that the ceremonial lighting of the Town menorah took place just prior to tonight's meeting to celebrate the festival of Hanukkah. The Town Board, Councilman-Elect Gary Phelps and other Town officials and guests were present to observe the symbolic ritual, with Rabbi Bernstein presiding.

Lighting of Menorah

- Recognition of Police Officer Brendan Dowling

Supervisor Dolan was joined by the Town Board members in commending Police Officer Brendan Dowling for his receipt of the Town of Ramapo Life Saving Award for performance of an act which was directly responsible for saving the life of a human being. The award is in recognition of Officer Dowling's heroic acts in saving the life of a 24-year-old male who attempted to commit suicide.

Recognition of Police Officer Brendan Dowling

2. Resolution Ratifying Collective Bargaining Agreement for the Police Department

Resolution Ratifying Collective Bargaining Agreement for the Police Department

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

WHEREAS, the Town of Tuxedo Police Benevolent Association and the Town are parties to a collective bargaining agreement relating to the Town Police Department; and

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AGENDA ITEMS (Continued):

2. Resolution Ratifying Collective Bargaining Agreement for the Police Department (Continued)

WHEREAS, the parties have engaged in successful negotiations to renew the agreement which expires by its terms on December 31, 2007; and

WHEREAS, the parties have agreed upon the terms and conditions of a three-year collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED, that the collective bargaining agreement for the period January 1, 2008 through December 31, 2010 in the form filed in the Town Clerk's office be approved and that the Supervisor be, and hereby is, authorized to sign the same on behalf of the Town.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

3. Resolution Scheduling Annual Public Hearing on Woodlands Sewer Rates

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Board hereby schedules a public hearing to be held on Monday, January 7, 2008 at 7:30 p.m. at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, to receive comments regarding sewer rates at the Woodlands.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

4. Resolution to Schedule 2008 Reorganization Meeting

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby schedules a special meeting on Monday, January 7, 2008 for the purpose of conducting the 2008 Reorganization Meeting and first Regular Bi-Monthly Meeting of 2008 to be held at the Tuxedo Town Hall commencing at 7:30 p.m.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

5. Tabled Resolution to Grant Special Sign Permit for Renaissance Festival

Due to the failure of the applicant to provide written detailed information, this item was tabled until receipt of the required documentation.

6a. Discussion of Conditions at Sterling Mine Estates Subdivision

As an update, Supervisor Dolan advised that, subsequent to the adoption of a resolution by the Town Board at its meeting of August 13, 2007 to consider declaring the developer in default, Supervisor Dolan received assurances from the developer that work to complete the subdivision improvements would resume. Based on such assurances and continuing dialogue with the developer, the declaration of a default was left in abeyance.

Regrettably, the developer has reneged on his promises, and no additional work has proceeded. Compounding the situation, no snowplowing services were provided by the developer after a recent snow storm. The road has not been dedicated to the Town, and the Town is prohibited from plowing or improving a private road. The subdivision residents expressed their concerns about roadway conditions for themselves and for school buses in the likely event of future snowfall.

Lengthy discussion ensued, and it was the consensus of the Town Board and Town Counsel to meet in executive session to discuss legal and procedural options available to the Town to resolve this issue.

**AGENDA ITEMS:
(Continued)**

**Resolution
Ratifying Collective
Bargaining
Agreement for the
Police Department
(Continued)**

**Resolution
to Schedule 2008
Reorganization
Meeting**

**Tabled Resolution
to Grant Special
Sign Permit for
Renaissance Festival**

**Discussion of
Conditions at
Sterling Mine Estates
Subdivision**

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AGENDA ITEMS (Continued):

6b. Resolution to Adjourn to Executive Session Regarding Sterling Mine Estates Subdivision

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board recess to executive session at 8:25 p.m. to formulate strategies, possibly including litigation, to resolve the issue of uncompleted improvements in the Sterling Mine Estates subdivision. The Town Building Inspector, Town Counsel and the Town Clerk were invited to join the Board.

The Town Board returned to open session and reconvened the meeting at 8:40 p.m.

6c. Resolution to Take Certain Actions Regarding Conditions at Sterling Mine Estates Subdivision

Supervisor Dolan advised that, pursuant to discussions held in executive session, the Town Board has determined to take the actions described in the below resolution.

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Board hereby schedules a hearing at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York at 7:30 p.m. on Monday, January 7, 2008 for the purpose of declaring the developers of the Sterling Mine Estates subdivision in default of their obligations to complete the public improvements in said subdivision unless they can show cause at such hearing establishing why they should not be called into default;

AND BE IT FURTHER RESOLVED, that notice of the foregoing hearing shall be sent to the developers named below at the addresses indicated:

Alan Ritter
25 Smith Street, Suite 405
Nanuet, NY 10954

Alvin Blumenfeld
1358 Sussex Road
Teaneck, NJ 07666

Joseph Amorosso
Juniper Terrace
Tuxedo, NY 10987

AND BE IT FURTHER RESOLVED, that, in the event of snowfall in the interim period between the date of this resolution and the date of the aforementioned hearing, the Town Supervisor and the Town Highway Superintendent are hereby authorized to determine whether road conditions at the Sterling Mine Estates subdivision constitute an emergency situation and, if their discretion so warrants, to undertake the snowplowing of the roadway.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

OTHER BUSINESS:

Resolution to Appoint Mikel Zoppie as Part-Time Police Dispatcher

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Mikel Zoppie as a Part-Time Police Dispatcher, effective as of December 6, 2007, at a salary rate of \$9.50 per hour during training, to be increased to \$10.00 per hour upon successful completion of training.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

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.

BUDGET MODIFICATIONS

There were no budget modifications.

**AGENDA ITEMS:
(Continued)**

**Resolution
to Adjourn to
Executive Session
Regarding Sterling
Mine Estates
Subdivision**

**Resolution
to Take Certain
Actions Regarding
Conditions at Sterling
Mine Estates
Subdivision**

OTHER BUSINESS

**Resolution
to Appoint
Mikel Zoppie
as Part-Time
Police Dispatcher**

**PUBLIC
COMMENTS**

**BUDGET
MODIFICATIONS**

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VOUCHERS

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

Claim numbers 1,620 through 1,711
General Fund Claim totaling \$97,133.28
Part-Town Fund Claim totaling \$9,378.95
Highway Town Wide Claim totaling \$3,146.23
Highway Part-Town Claim totaling \$118.59
Tuxedo Refuse District Claim totaling \$-0-
Hamlet Sewer District Claim totaling \$3,794.39
Total abstract amount: \$113,571.44

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

Authorization for Payment was thereafter signed by Councilperson Rauch, Councilperson Siegel and Councilperson Castricone.

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, to adjourn the meeting at 9:05 p.m.

Adopted: AYES: [5] NAYS: [0] ABSENT: [0]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

VOUCHERS

ADJOURNMENT