

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, January 7, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:32 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Thomas Darling	Councilperson
	Mr. Gary Phelps	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. 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.

A public hearing was held to receive comments on the 2008 Woodlands Sewer rates.

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on December 10, 2007, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSTAIN: [2 - Councilpersons Darling & Phelps]

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for December, 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.

Comments from the public were received and dialogue with the Town Board conducted regarding Agenda Items #3 and #4.

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

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

- **Establishment of Local Development Corporation**

Supervisor Dolan advised that, at the December 31, 2007 meeting, the Town Board formed the Tuxedo Local Development Corporation, with Members thereof initially designated as Peter M. Dolan, Lisa Spivak, Nils Gerling and David Speiser of the Related Companies.

- **Review of Workers' Compensation Insurance**

Supervisor Dolan advised that he has meetings scheduled for tomorrow and Thursday with representatives of workers' compensation insurance carriers to ascertain if the Town can reduce its premium rates in comparison to those charged by the Orange County Self-Insured Workers' Compensation Fund, of which the Town is a participant. Supervisor Dolan noted that he is also lending his assistance to the Village of Tuxedo Park with respect to their workers' compensation costs.

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS
ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update

*Establishment of
Local Development
Corporation*

*Review of
Workers'
Compensation
Insurance*

AGENDA ITEMS (Continued):

2. Presentation by Tuxedo Reserve on Second Amendment to Special Permit

Mr. Bruce Warwick, Vice Chairman of The Related Companies, addressed the Board and emphasized Related's commitment to the Tuxedo Reserve development and its financial wherewithal to complete the project. Messrs. Andrew Dance, Tuxedo Reserve Project Manager, George Derrick, the project's engineer, and Steven Barshov, attorney for Related, described in detail the proposed amendments to Phase 1, Section 1 of the development, which is also known as the 103-housing tract designated as "North Ridge," consisting of the following:

- Revisions of Preliminary Plan layout for North Ridge;
- Modification of wetland impacts and mitigation measures;
- Modification to the Performance Standards for consistency with updated State regulations;
- Waivers from the Performance Standards set forth in the Special Permit; and
- Modifications to the Bulk Standards set forth in the Special Permit

The application for second amendment to the Special Permit is available for review at the Town Clerk's office.

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

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

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.) seeking a second amendment to 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 for second amendment to the Special Permit has been submitted consequent to conditions stipulated by the Town Planning Board in its Resolution Granting Conditional Preliminary Subdivision Approval and Conditional Site Plan Approval for Phase 1, Section 1 (North Ridge) of the Tuxedo Reserve Planned Integrated Development, adopted on December 11, 2007 following review at multiple meetings and workshops by the Planning Board and its technical consultants and counsel and pursuant to public hearings conducted by the Planning Board on July 10, August 14, September 11, October 9 and November 20, 2007; and

WHEREAS, the application for second amendment to the Special Permit specifically seeks the following, as more particularly described in the application:

1. Revisions of Preliminary Plan layout for Phase 1, Section 1 of Tuxedo Reserve, known as "North Ridge";
2. Modification of wetland impacts and mitigation measures;
3. Modification to the Performance Standards set forth in the Special Permit to maintain consistency with updated State regulations;
4. Waivers from the Performance Standards set forth in the Special Permit; and
5. Modifications to the Bulk Standards set forth in the Special Permit

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

1. The instant application is acknowledged as received as of December 21, 2007.
2. The application is hereby referred to the Orange County Department of Planning for General Municipal Law §239 l, m and n review.
3. A public hearing, noticed and conducted in accordance with Town of Tuxedo Special Permit procedures, shall be held at 7:30 p.m. on January 28, 2008 at the Tuxedo Town Hall.

**AGENDA ITEMS:
(Continued)**

**Presentation by
Tuxedo Reserve on
Second Amendment
to Special Permit**

**Resolution
Scheduling Public
Hearing Regarding
Tuxedo Reserve
Proposed Special
Permit Amendment**

AGENDA ITEMS (Continued):

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

4. 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: [5] NAYS: [0] ABSENT: [0]

4a. Hearing to Consider Declaration of Default of Developers of Sterling Mine Estates Subdivision

Supervisor Dolan recapped the issues involved in this matter. The subdivision improvements, including final paving and street trees, have not been performed by the developers, languishing since the Spring of 2005. After the August 13, 2007 meeting at which the Town Board decided to declare the developers in default of their obligations, Supervisor Dolan secured assurances from the developers that work would proceed. That, however, did not occur. In early-December, after a snowstorm, the residents contacted Supervisor Dolan with concerns that the road, Juniper Terrace, had not been plowed by the developer. The road has not been dedicated to the Town because of its incomplete condition and, until it is dedicated, the Town cannot plow or otherwise improve the road. At its December 10, 2007 meeting, the Town Board passed resolutions to hold the hearing being conducted tonight and to undertake snowplowing on an emergency basis. On December 11, 2007, the Town Board received confirmation that the developers had contracted for snow and ice control on the road, and the Town has verified that those services are being provided as needed.

Mr. Joseph Amorosso, one of the developers and also a resident of Sterling Mine Estates, was present at the hearing and advised the Town Board that the planting of trees and application of the final road surface will be completed by April 15, 2008. Mr. Amorosso informed the Town Board that financing will be provided by his partner, Alvin Blumenfeld.

Skeptical from past experience that the above representations will come to fruition, it was the consensus of the Town Board, and Mr. Amorosso was so informed during the hearing, to require substantiation of financing and arrangements for the paving and landscaping work.

4b. Resolution Directing Developer of Sterling Mine Estates to Submit Documentation Substantiating Subdivision Improvements

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Phelps, that the Town Board hereby directs Mr. Joseph Amorosso, developer of the Sterling Mine Estates Subdivision, to supply the following to the Town Board on or before January 22, 2007, failure of which will result in the declaration of default and consequent actions of the Town Board:

(1) Written confirmation from Mr. Alvin Blumenfeld pledging his willingness and ability to finance the installation of the final wearing course of asphalt concrete on Juniper Terrace and the planting of street trees in the Sterling Mine Estates subdivision, all in accordance with the filed subdivision plan and the Town Code of the Town of Tuxedo; and

(2) A duplicate original, fully-executed, detailed contract for the installation of the final wearing course of asphalt concrete on Juniper Terrace in accordance with the Official Road Specifications and all other applicable regulations of the Town of Tuxedo; and

(3) A duplicate original, fully-executed, detailed contract for the planting of street trees in the Sterling Mine Estates subdivision, in accordance with the requirements of the filed subdivision plan and all other applicable regulations of the Town of Tuxedo.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Scheduling Public
Hearing Regarding
Tuxedo Reserve
Proposed Special
(Continued)**

**Hearing to Consider
Declaration of
Default of Developers
of Sterling Mine
Estates Subdivision**

**Resolution
Directing Developer
of Sterling Mine
Estates to Submit
Documentation
Substantiating
Subdivision
Improvements**

AGENDA ITEMS (Continued):

5. Resolution Authorizing Preparation of Land Lease with Verizon Wireless

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby authorizes the Town Supervisor to conduct discussions with Verizon Wireless and prepare all documents necessary for the purpose of leasing Town-owned land to be utilized for wireless telecommunication tower site(s), subject to prior approval of Town Counsel.

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

6. Resolution Authorizing Agreement with Warwick Valley Humane Society for Animal Sheltering

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Supervisor is hereby authorized to enter into an agreement with the Warwick Valley Humane Society for animal control services for the period January 1 through December 31, 2008, subject to the review and approval of Town Counsel.

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

OTHER BUSINESS:

Resolution Approving Sewage Service Rates by Woodlands Sewage Works Corporation

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

WHEREAS, on October 2, 2000, the Woodlands Sewage Works Corporation (the "Corporation") applied to the Town for approval of its initial rates for sewage service in the amount of \$50.00 per month per unit, or \$300.00 semi-annually; and

WHEREAS, by resolution duly adopted on November 20, 2000, the Town Board determined such proposed rate as fair, reasonable and adequate; and

WHEREAS, except for a temporary increase in the years 2005 and 2006, rates charged by the Corporation remained unchanged in the years 2001, 2002, 2003 and 2004 and returned to the pre-2005 rates in 2007; and

WHEREAS, on December 4, 2007, the Corporation submitted a request for approval of sewer rates for 2008 in the same amount as was charged in 2001, 2002, 2003, 2004 and 2007.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the Transportation Corporation Law §121, the Town Board hereby determines the following:

1. That the proposed rate of \$50.00 per month per unit is a fair, reasonable and adequate rate to provide service to the district;
2. That the charges for service shall be billed semi-annually; that is, the sum of \$300.00 will be billed on January 1 and the sum of \$300.00 billed on July 1 in each year;
3. That a \$50.00 late payment charge may be assessed for any payment not made within 30 days of its due date;
4. That no changes to this rate structure shall be made without further action by the Town Board; and
5. That the Corporation resubmit its rates for review on or before September 1, 2008.

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

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Authorizing
Preparation of
Land Lease with
Verizon Wireless**

**Resolution
Authorizing
Agreement with
Warwick Valley
Humane Society for
Animal Sheltering**

OTHER BUSINESS

**Resolution
Approving Sewage
Service Rates by
Woodlands Sewage
Works Corporation**

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Tuxedo Reserve - Delinquent Reimbursement to Town

Mrs. Mary Graetzer, a resident of the Village of Tuxedo Park, questioned whether Tuxedo Reserve is late in reimbursing the Town for costs of reviewing their project. Supervisor Dolan replied that Tuxedo Reserve had been in arrears in the amount of \$273,000 because they had lost their funding on or about October 1, 2007. However, they have since secured new funding and as of today's date have paid \$117,000, for an outstanding balance remaining of \$156,000. The Town is considering establishing an escrow account to obviate problems of this type in the future.

Chamber of Commerce - Operation Clean Sweep - April 19, 2008

Mrs. Betty Eberling, a Town resident, announced that on April 19, 2008, the Chamber of Commerce will revive Operation Clean-Sweep, a program which had been an annual event when community volunteers joined together to remove trash throughout the town. All residents are encouraged to participate in this worthwhile cause. Further details will be forthcoming from the Chamber.

Update of Litter Law

Mrs. Eberling suggested that the Town Board consider amending the litter law by increasing the fine imposed on violators and posting warning signs at Town entrances.

Combat Veterans' Tax Exemption

Mr. Erik Nimke, a Tuxedo resident and a World War II combat veteran, requested that the Town Board pass a resolution to urge the of Orange County Legislature to adopt the maximum tax exemptions permissible for veterans. The Town passed a Local Law adopting the maximum on February 26, 2007, but Orange County has failed to do so as yet.

Tuxedo Reserve Development - Connector Road & Commercial Space

Mrs. Dale Mottola, President of the Tuxedo Chamber of Commerce, asked that any future Tuxedo Reserve Special Permit amendments might include (1) a connecting road from Eagle Valley to the center of town, which she feels is important to the viability of the town center; and (2) a relaxing of the current limits on commercial space in the development's Commons area; given the constraints in downtown Tuxedo, she considers the limitation of 3,500 square feet of nonresidential space to be inadequate to serve another 3,000 people.

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

BUDGET MODIFICATIONS

There were no budget modifications.

VOUCHERS

There were not vouchers for review.

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:25 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**PUBLIC
COMMENTS**

**Tuxedo Reserve
Delinquent
Reimbursement to
Town**

**Chamber of
Commerce -
Operation Clean
Sweep - April 19,
2008**

**Update of
Litter Law**

**Combat Veterans'
Tax Exemption**

**Tuxedo Reserve
Development -
Connector Road and
Commercial Space**

**BUDGET
MODIFICATIONS**

VOUCHERS

ADJOURNMENT