

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, January 28, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:39 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Thomas Darling	Councilperson
	Ms. Lisa Spivak	Councilperson

Town Board Members Absent:	Mr. Gary Phelps	Councilperson
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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; Ms. Bonnie Franson, Town Planner, Mr. Stanley G. Puszcz, Town Engineer; Mr. James Hays, Planning Board Member; Mr. Andrew Rogers, Zoning Board Member; 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 application by The Related Companies for a second amendment to the Tuxedo Reserve Special Permit.

#### 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 31, 2007, as submitted.

**Adopted:** AYES: [ 3 ] NAYS: [ 0 ] ABSENT: [ 1 ] ABSTAIN: [ 1 - Councilperson Darling ]

#### MONTHLY REPORTS

Supervisor Dolan acknowledged that, all Monthly Reports for December, 2007 having been received at the January 7, 2008 meeting, no reports were submitted at this meeting.

#### PUBLIC COMMENTS ON AGENDA ITEMS

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

#### AGENDA ITEMS:

##### **1. Town Supervisor/Town Board Update**

- **Discussions with Verizon Wireless on Installation of Tower on Contractors Road**

Councilperson Darling reported that he is in discussions with representatives of Verizon Wireless regarding their installation of a telecommunications tower at the sewer plant site on Contractors Road. Verizon will furnish him with copies of their agreements with other towns for his review. However, because the sewage treatment plant to be built on the subject site as part of the Tuxedo Reserve development has not been finalized, and it is unclear what its exact footprint will be, Councilperson Darling is keeping himself apprised of the status of the Planning Board review and will continue negotiations with Verizon as information becomes available.

- **Completion of Installation of Lucky Bridge Replacement**

Supervisor Dolan announced that replacement of the Lucky Bridge has been completed. The new bridge has no stanchions in the Ramapo River, which will greatly reduce the risk of flooding in the future.

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

AGENDA ITEMS:  
Town Supervisor/  
Town Board Update

*Discussions with  
Verizon Wireless on  
Installation of Tower  
on Contractors Road*

*Completion of  
Installation of Lucky  
Bridge Replacement*

AGENDA ITEMS:  
(Continued)

Town Supervisor/  
Town Board Update  
(Continued)

*American Legion  
Building*

Resolution  
Introducing Local  
Law to Provide Real  
Property Tax  
Exemptions to  
Veterans of the Cold  
War Period

Resolution  
to Schedule 2008  
Reorganization  
Meeting

Tabled Resolution to  
Approve Second  
Amendment to Tuxedo  
Reserve Special Permit

Resolution  
Appointing Workers'  
Compensation  
Insurance Company

**AGENDA ITEMS (Continued):**

**1. Town Supervisor/Town Board Update (Continued)**

• **American Legion Building**

Supervisor Dolan advised that he is in discussions with the Commander of the American Legion Post in Southfields concerning the possible transfer of ownership of the building to the Town. Because the Legion membership has dwindled greatly, ownership of the building has become a burden to the Legion. The building had been donated to the Post with the understanding that, if it were no longer to be used for Legion purposes, it is to be deeded over to the Town. Updates on the matter will be provided in the future by Supervisor Dolan.

**2. Resolution Introducing Local Law to Provide Real Property Tax Exemptions to Veterans of the Cold War Period**

**BE IT RESOLVED**, motion made by Peter M. Dolan, seconded by Councilperson Darling, that an Introductory Local Law, entitled "Cold War Veterans' Tax Exemptions," be and it hereby is introduced by Supervisor Dolan before the Town Board of the Town of Tuxedo, County of Orange, State of New York; and be it

**FURTHER RESOLVED** that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board; and be it

**FURTHER RESOLVED** that the Board hold a public hearing on said proposed local law at the Town Hall, One Temple Drive, in the Town of Tuxedo, New York at 7:30 p.m. on Monday, February 11, 2008; and be it

**FURTHER RESOLVED** that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least five (5) days prior thereto.

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

**3. Tabled Resolution to Approve Second Amendment to Special Permit Issued for Tuxedo Reserve Development**

This item was tabled until the February 25, 2008 meeting.

**4a. Resolution Appointing Workers' Compensation Insurance Company**

Supervisor Dolan offered the following resolutions and moved their adoption; Councilperson Spivak seconded their adoption:

**WHEREAS**, the Town Board has received a proposal entitled "New York State Municipal Workers' Compensation Alliance Plan Document" pursuant to Section 50, Subdivision 3-a of the Workers' Compensation Law (hereinafter, the "Plan"); and

**WHEREAS**, the Town of Tuxedo is eligible for membership in the Plan; and

**WHEREAS**, the Town of Tuxedo has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the interests of the Town of Tuxedo to participate therein.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Tuxedo enter into membership in the Plan pursuant to Section 50, Subdivision 3-a of the Workers' Compensation Law; and be it

**AGENDA ITEMS (Continued):**

**4a. Resolution Appointing Workers' Compensation Insurance Company (Continued)**

**FURTHER RESOLVED**, that Supervisor Peter M. Dolan be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the Town of Tuxedo; and be it

**FURTHER RESOLVED**, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**4b. Resolution Electing to Self-Insure Town's Workers' Compensation Obligations**

Supervisor Dolan offered the following resolutions and moved their adoption; Councilperson Spivak seconded their adoption:

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town of Tuxedo hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against the Town; and be it

**FURTHER RESOLVED**, that, pursuant to Section 50, Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self-Insurance Section; and be it

**FURTHER RESOLVED**, that this election shall become effective on February 1, 2008.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**5. Resolution Confirming Completion of Probationary Period by Building Inspector**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby confirms that, following the appointment of David Maikisch as Building Inspector III from the Orange County Eligible List effective July 26, 2007, Mr. Maikisch has successfully completed his probationary period, and his appointment to such position is hereby deemed permanent effective January 28, 2008, pursuant to the Orange County Rules for the Administration of Civil Service Law

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**6. Resolution Re-Appointing Nathaniel Jackson as Board of Assessment Review Member**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby re-appoints Nathaniel Jackson as a member of the Board of Assessment Review effective as of October 1, 2007, with his term of office to expire on September 30, 2012.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**7. Resolution Authorizing Installation of Indian Point Siren at Lucky Playground**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby grants a revocable license to Entergy Nuclear Operations, Inc. to install an omni-directional siren atop a 50' steel pole at the Lucky Playground off East Village Road in the Town of Tuxedo in accordance with the requirements and regulations of the Tuxedo Town Code and under the supervision of the Tuxedo Building Inspector.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**AGENDA ITEMS:  
(Continued)**

**Resolution  
Appointing Workers'  
Compensation  
Insurance Company  
(Continued)**

**Resolution  
Electing to Self-  
Insure Town's  
Workers'  
Compensation  
Obligations**

**Resolution  
Confirming  
Completion of  
Probationary Period  
by Building Inspector**

**Resolution  
Re-Appointing  
Nathaniel Jackson as  
Board of Assessment  
Review Member**

**Resolution  
Authorizing  
Installation of Indian  
Point Siren at Lucky  
Playground**

**AGENDA ITEMS (Continued):**

**8. Resolution to Modify Town Application Fee and Towing Rates**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, pursuant to the provisions of Chapter 48, Section 48.4 of the Town Code of the Town of Tuxedo, the Town Board hereby establishes the fee for towing applications to \$500 per individual or corporate entity and the towing fees chargeable by towing entities as follows:

Towing Fee

\$135/tow 8:00 a.m. – 5:00 p.m. Mon. through Fri.

\$135/tow 5:00 p.m. – 8:00 a.m. Mon. through Fri.

\$135/tow Saturday and Sunday

Mileage: \$2.00 per mile for first 10 miles, \$5.50 per mile above 10 miles

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**OTHER BUSINESS:**

**Resolution Appointing Michelle Diaz as Pat-Time Police Dispatcher**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Michelle Diaz as a Part-Time Police Dispatcher, effective January 28, 2008, at a salary rate of \$10.00 per hour during training, to be increased to \$12.00 per hour upon successful completion of training.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**Resolution Authorizing Bid for Construction of Outdoor Stage at Powerhouse**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby authorizes the Town Clerk to advertise for bids for construction of an outdoor stage at the Powerhouse site, with bid opening to be held at 1:30 p.m. on Thursday, February 28, 2008 in the Town Clerk's office.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**Resolution Authorizing Survey on Redistricting of Tuxedo Residents in Monroe Woodbury School District**

Councilperson Castricone noted that the Tuxedo Heights Condominium Association circulated a petition to residents of the northern part of Tuxedo regarding redistricting of those residents who live in Tuxedo but are in the Monroe-Woodbury school district into the Tuxedo school district. He will contact Tuxedo School Superintendent Joseph Zanetti to discuss the matter and will also prepare a survey to poll the views of affected residents.

**RESOLVED**, motion made by Councilperson Castricone, seconded by Supervisor Dolan, that Councilperson Castricone is hereby authorized to expend up to \$400.00 for the printing and mailing of a survey on redistricting Tuxedo residents in the Monroe-Woodbury school district.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

**Discussion of Ethics Board**

Councilperson Castricone proposed that the Town Board appoint members to the Tuxedo Ethics Board, which was established under the Town Code but has not been staffed for many years. He stressed the importance of an ethics board in view of the millions of dollars soon to be received from Tuxedo Reserve in grants and low-interest loans. Such is his earnestness for the absence of any conflicts of interest on the part of Town officials that he has discontinued representing Town officials and transferred their accounts to agents unrelated to his insurance company. Lengthy discussion ensued regarding the merits of staffing a Tuxedo ethics board or utilizing the Orange County Board of Ethics when and if the need arises. It was the consensus of the Town Board to continue discussion on this matter at a later date.

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

**AGENDA ITEMS:  
(Continued)**

**Resolution  
to Modify Town  
Application Fee and  
Towing Rates**

**OTHER BUSINESS**

**Resolution  
Appointing  
Michelle Diaz  
as Pat-Time Police  
Dispatcher**

**Resolution  
Authorizing Bid for  
Construction of  
Outdoor Stage at  
Powerhouse**

**Resolution  
Authorizing Survey on  
Redistricting of Tuxedo  
Residents in Monroe  
Woodbury School  
District**

**Discussion of  
Ethics Board**

**PUBLIC COMMENTS:**

Supervisor Dolan asked for comments from the public.

**Request for Extension of Building Permit**

Mr. Patrick Kelly, a resident of Southfields, requested another extension of his building permit for renovation of his home. Supervisor Dolan respectfully denied Mr. Kelly's request, noting that this matter has been ongoing since 2001 and the Town has granted some seven extensions during that period.

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 9:35 p.m.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

**PUBLIC  
COMMENTS**

**Request for Extension  
of Building Permit**

**BUDGET  
MODIFICATIONS**

**VOUCHERS**

**ADJOURNMENT**