

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, February 25, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:35 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. 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 led by Tuxedo Boy Scouts Dillon Taber and Daniel Furtado. Also in attendance were Scoutmaster Mark Briggs and Boy Scout Connor Briggs.

PRESENTATION OF “KEY TO THE TOWN” TO LORRAINE EIBEN HONORING 50 YEARS OF DEDICATED SERVICE

Supervisor Dolan expressed his pleasure in presenting the key to the town to Lorraine Eiben, who has been a dedicated member of the Tuxedo Volunteer Ambulance Corps for 50 years. He read aloud the below letter from fellow resident, Tom Salierno.

Dear Mr. Dolan:

RE: Lorraine’s Fifty-Year Recognition

I’m sorry I won’t be able to attend your meeting for this special occasion. I would like to thank you and the Town Board for realizing what a special person she is.

As you know, I have been a resident in Tuxedo for over 60 years. I remember when the Ambulance Corps began and what a positive addition it was to the Town of Tuxedo. Lorraine has been very dedicated to the Ambulance Corps. She treated it as if it were here livelihood.

Having both parents living into their middle 90’s and a sister with Parkinson’s disease, there were many times when we needed the services of the Ambulance Corps. Every time we needed an ambulance, Lorraine was there to answer the call and always very caring with a personal touch. Days later she would check to see how the patient was doing.

Thank you, Lorraine, for all of your help, and good luck.

Sincerely Yours,

Thomas J. Salierno

Supervisor Dolan next invited Councilperson Lisa Spivak, who is a volunteer with the Corps and a member of its Board of Directors, to make the presentation.

Councilperson Spivak remarked that it is an honor for her to present the key to Lorraine, whose official 50th anniversary occurred this past December. Lorraine has held many positions over the years, including driver, certified first responder, emergency medical technician, social committee member, Christmas party planner, housekeeper and what her Corps colleagues consider their human GPS. She knows every road in Tuxedo, Harriman State Park, and the region at large. On behalf of the Town and our residents, we want to thank you for your dedication and your sleepless nights. You’ve been a real treasure and have set a great example for all of us follow. Fifty years of volunteering your time and your service is something that not many people can do, and we are deeply grateful.

**PRESENTATION
OF “KEY TO THE
TOWN” TO
LORRAINE EIBEN
HONORING 50
YEARS OF
DEDICATED
SERVICE**

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Public Hearing and Regular Bi-Monthly Meeting held on February 11, 2008, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Report for January, 2008 from the Town Clerk.

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

• **Vacancies on Planning, Zoning and Architectural Review Boards**

Supervisor Dolan advised that the Town Board has conducted interviews of candidates to fill vacancies on the above-referenced boards. Anyone wishing to serve should contact the Supervisor as soon as possible.

• **Association of Towns Meeting**

Supervisor Dolan advised that he and Councilperson Darling attended seminars this past Monday which they found very informative.

• **Cell Phone Towers**

Supervisor Dolan advised that, in relation to Verizon's proposal to meet its cell phone needs with a tower in town, and in an effort to maximum the benefits to the Town, he is exploring an option presented by a firm which would erect a tower for ownership by the Town resulting in higher revenue than rental income from the service provider.

• **Questionnaire Regarding Redistricting of Tuxedo Residents in Monroe- Woodbury School District**

Councilperson Castricone advised that he has made a first draft of the above-references questionnaire and has supplied a copy to Tuxedo Board of Education Vice President Diane Petrosky and Tuxedo School Superintendent Joseph Zanetti for comment. Councilperson Castricone will report back after their review is completed.

• **Ramapo River Water Flow Control Measures**

Councilperson Darling advised that he, Highway Superintendent Joe Tripoli, Deputy Highway Superintendent Ed Pfizenmaier and a representative of the Army Corps of Engineers will meet tomorrow to inspect the Ramapo River and research water flow controls.

2. Resolution Approving Second Amendment to Special Permit Issued for Tuxedo Reserve Development

Supervisor Dolan offered the following resolution and moved its adoption.

WHEREAS, on November 15, 2004, the Town of Tuxedo Town Board ("Town Board") granted Special Permit approval to R.H. Tuxedo Development, L.P. to permit construction (subject to conditions and other requisite approvals) of a Planned Integrated Development ("PID") known as Tuxedo Reserve; and

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

**AGENDA ITEMS:
Town Supervisor/
Town Board Update**

*Vacancies on
Planning, Zoning and
Architectural Review
Boards*

*Association of
Towns Meeting*

Cell Phone Towers

*Questionnaire
Regarding
Redistricting of
Tuxedo Residents in
Monroe-Woodbury
School District*

*Ramapo River Water
Flow Control
Measures*

**Resolution
Approving Second
Amendment to
Special Permit Issued
for Tuxedo Reserve
Development
(Continued)**

AGENDA ITEMS (Continued):

2. Resolution Approving Second Amendment to Special Permit Issued for Tuxedo Reserve Development (Continued)

WHEREAS, on August 13, 2007, the Special Permit was amended to increase the size of the Tuxedo Reserve PID to 2,380.78+/- acres ("First Special Permit Amendment"); and

WHEREAS, on December 11, 2007, the Planning Board of the Town of Tuxedo ("Planning Board") granted Conditional Preliminary Approval to Phase 1, Section 1 of the Tuxedo Reserve PID known as "Northridge"; and

WHEREAS, said Conditional Preliminary Approval is conditioned upon, *inter alia*, the Town Board granting certain waivers, modifications and amendments to the Special Permit that pertain solely to Northridge including: (a) amendment of the previously-approved Preliminary Plan to reflect a revised layout for Northridge; (b) waiver and modification of certain Performance Standards set forth in the special permit; (c) modification of certain Bulk Standards set forth in the Special Permit and (d) modification relating to the scope of wetland impacts and mitigation measures as specifically pertains to several non-jurisdictional wetlands within Northridge; and

WHEREAS, a copy of said Conditional Preliminary Approval is attached hereto and incorporated herein by reference; and

WHEREAS, each request for a waiver, modification or amendment to the Special Permit as pertains to Northridge is listed and described in Schedule B of said Conditional Preliminary Approval; and

WHEREAS, in furtherance of said Conditional Preliminary Approval, on December 21, 2007, Tuxedo Reserve Owner, LLC, as successor in interest to R.H. Tuxedo Development, L.P., made application to the Town Board requesting the Town Board amend the Special Permit to grant the waivers, modifications and amendments listed on Schedule B to the Conditional Preliminary Approval; and

WHEREAS, said application was initially presented and considered at the January 7, 2008 meeting of the Town Board, at which time a public hearing was scheduled to be held on January 28, 2008; and

WHEREAS, on January 28, 2008, the Town Board held a duly-noticed public hearing on the application, at which time members of the public were afforded an opportunity to comment on the application; and

WHEREAS, after receipt of public comment, the public hearing was closed on January 28, 2008; and

WHEREAS, on January 17, 2008, the application was received by the Orange County Department of Planning for review pursuant to Sections 239 l and m of the General Municipal Law; and

WHEREAS, on February 8, 2008, the Orange County Department of Planning issued its approval of the proposed application; and

WHEREAS, a copy of the Orange County Department of Planning's report of approval is attached hereto and incorporated herein as if fully set forth at this point; and

WHEREAS, the Planning Board's grant of Conditional Preliminary Approval of Northridge constitutes its report to the Town Board and its endorsement of the requested waivers, modifications and amendments as necessary to ensure that Northridge is well planned, soundly engineered and protective of the environment; and

WHEREAS, the Town Board has thoroughly considered the environmental effects of the application, both with respect to the previously-issued SEQRA Lead Agency Findings Statement and any potential adverse environmental impacts that this specific application might induce; and

**AGENDA ITEMS:
(Continued)**

**Resolution
Approving Second
Amendment to
Special Permit Issued
for Tuxedo Reserve
Development
(Continued)**

AGENDA ITEMS (Continued):

2. Resolution Approving Second Amendment to Special Permit Issued for Tuxedo Reserve Development (Continued)

WHEREAS, the Town Board and its consultants have thoroughly reviewed the entire application and supporting information and determined that it is in a form for approval subject to the incorporation of appropriate conditions and safeguards;

NOW, THEREFORE, BE IT RESOLVED that the Town of Tuxedo Town Board hereby makes the following determinations and findings with respect to the application:

1. The SEQRA Lead Agency Findings Statement, adopted and issued by the Town Board on November 15, 2004, is hereby amended to incorporate and acknowledge the waivers, modifications and amendments requested by the applicant as set forth in Schedule B of the Conditional Preliminary Approval for Northridge. The Town Board has reviewed and specifically adopts, as its own, the environmental analyses and conclusions contained in the Planning Board's Conditional Preliminary Approval Resolution. The Town Board finds that the waivers, modifications and amendments requested do not constitute changes or new circumstances that would result in a significant adverse environmental impact, and preparation of a Supplemental Environmental Impact Statement is not required. The Town Board finds that the Northridge application, including the waivers, modifications and amendments, will not result in a significant environmental impact.

2. The Preliminary Plan attached to the special permit is hereby deemed amended to reflect the revised layout for Northridge.

3. Each of the waivers, modifications and amendments set forth in paragraph 2 of Schedule B to the Planning Board's Conditional Preliminary Approval is hereby granted.

4. The waiver/Special Permit amendment set forth in paragraph 1 of Schedule B to the Planning Board's Conditional Preliminary Approval is hereby denied. The Board finds that it has no legal authority to waive or amend the provisions of Section 98.15. of the Town of Tuxedo Zoning law pertaining to maximum heights of retaining walls. The applicant is hereby directed to proceed to the Zoning Board of Appeals (ZBA) to either secure an interpretation that Section 98.15 does not apply to Northridge or, in the alternative, to secure the appropriate variance from Section 98.15. If a variance is required, the Town Board recommends that it be granted since the proposed retaining walls are essential to minimizing site disturbance and are protective of the public health, safety and welfare.

5. The Town Board finds that nothing with respect to this application changes or otherwise alters the specific special permit findings made by the Town Board under the Special Permit issued on November 15, 2004 and such findings remain applicable with respect to this application.

6. The waivers, modifications and amendments to the Special Permit granted herein are subject to and conditioned upon compliance with each and every condition set forth in the Planning Board's Conditional Preliminary Approval and the Schedules attached to said approval.

7. The waivers, modifications and amendments granted herein are exclusive and particular to Northridge. Nothing herein shall be construed as the grant of any waiver, modification or amendment to any other section of Tuxedo Reserve.

8. Except as may be specifically modified herein, nothing changes or alters, in any way, any determination, finding or condition contained in the Special Permit for Tuxedo Reserve issued on November 15, 2004 or the First Special Permit Amendment dated August 13, 2007.

The adoption of the foregoing resolution was seconded by Councilperson Phelps and duly put to a vote on roll call, which resulted as follows

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Approving Second
Amendment to
Special Permit Issued
for Tuxedo Reserve
Development
(Continued)**

AGENDA ITEMS (Continued):

3. Resolution Appointing Girard H. Shiloh as Full-Time Police Officer

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, effective February 25, 2008, the Town Board hereby appoints Girard H. Shiloh as a full-time Police Officer, subject to his successful completion of psychological and physical testing, at a salary rate in accordance with the collective bargaining agreement between the Town and the Police Benevolent Association, and with a 78-week probation period in accordance with the Orange County Civil Service Rules and Regulations.

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

4. Resolution Appointing Kent T. Clark as Member of Board of Fire Commissioners

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby appoints Kent T. Clark as a member of the Board of Fire Commissioners effective February 25, 2008, to complete the unexpired term of Joseph P. Tripoli, Sr., with his term of office to expire on December 31, 2010.

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

5. Resolution to Adjust Salary of Part-Time, Temporary Seasonal Plow Operator, Mark Wesseldine

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby adjusts the salary of Part-Time, Temporary Seasonal Plow Operator, Mark Wesseldine, from \$21.62 per hour to \$22.49 per hour, effective as of January 1, 2008.

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

6. Resolution Authorizing Town Clerk to Attend Training Conference

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby authorizes the Town Clerk to attend the New York State Town Clerks Association annual training seminar and conference April 27 through April 30, 2008 in Saratoga, New York, and to be reimbursed for reasonable and necessary expenses.

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

7. Resolution Approving Highway and Police Assistance for Tuxedo Clean Sweep

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby approves the provision of Highway Department and Police Department services to the Tuxedo Chamber of Commerce in connection with the Tuxedo Clean Sweep community clean-up event to be held on Saturday, April 19, 2008.

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

8. Tabled Resolution to Grant Special Permit to Chamber of Commerce for Decorative Banners

This item was tabled until the March 10, 2008 meeting.

9. Resolution Waiving Notice Period for Liquor License Application for Taverna Tuxedo

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby waives the 30-day prior notice requirement for the liquor license application of Taverna Tuxedo, 209 Route 17, Tuxedo, New York, and authorizes the Town Clerk to advise the New York State Liquor Authority of such waiver and that the Town has no objection to the immediate approval of such license.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Appointing
Girard H. Shiloh
as Full-Time
Police Officer**

**Resolution
Appointing
Kent T. Clark as
Member of Board of
Fire Commissioners**

**Resolution
to Adjust Salary of
Part-Time, Temporary
Seasonal Plow
Operator,
Mark Wesseldine**

**Resolution
Authorizing Town
Clerk to Attend
Training Conference**

**Resolution
Approving Highway
and Police Assistance
for Tuxedo Clean
Sweep**

**Tabled Resolution to
Grant Special Permit
for Decorative Banners**

**Resolution
Waiving Notice
Period for Liquor
License Application
for Taverna Tuxedo**

OTHER BUSINESS:

Resolution Scheduling Public Hearing Regarding Increase in Senior Citizen Tax Exemptions

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby schedules a public hearing to be held before the Town Board at 7:30 p.m. on Monday, March 10, 2008, at the Tuxedo Town Hall to hear comments regarding an amendment to the senior citizen maximum income ceiling for basic tax exemption to correspond to the recently-increased New York State maximum.

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

Resolution Approving Stipulation of Settlement in Susan Court Action

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the action brought against the Town by Cathy Chan and David Shawn Neal be settled and discontinued upon the acceptance of Susan Court as a Town Highway, excluding any retaining walls, the surrender to the Town of the \$37,000 subdivision bond, together with interest, and the payment of \$3,000 to the Town by the other parties. Additionally, the Town will perform such improvements to Susan Court as it deems necessary and/or advisable in its sole discretion.

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

Resolution Authorizing Formation of Guidance Committee for Recommendations on Ethics Board

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Darling, that a guidance committee be formed for the purpose of (1) investigating how the Orange County Ethics Board operates, how a local Ethics Board would operate and whether the ethics law contained in the Tuxedo Town Code should be revised and (2) presenting recommendations to the Town Board as to the best course of action for the Town.

Adopted: Councilperson Daniel Castricone Aye
Councilperson Thomas Darling Aye
Councilperson Gary Phelps Aye
Councilperson Lisa Spivak Nay
Supervisor Peter M. Dolan Nay

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

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Tuxedo Performing Arts Group Event

Mrs. Dale Mottola announced that the first TPAG event of 2008 will be held on Saturday, March 8, 2008 at the Tuxedo High School auditorium and will feature standards, opera and classical performances by local artists.

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

BUDGET MODIFICATIONS

There were no budget modifications.

OTHER BUSINESS

**Resolution
Scheduling Public
Hearing Regarding
Increase in Senior
Citizen Tax
Exemptions**

**Resolution
Approving
Stipulation of
Settlement in Susan
Court Action**

**Resolution
Authorizing
Formation of
Guidance Committee
for Recommendations
on Ethics Board**

**PUBLIC
COMMENTS**

**Tuxedo Performing
Arts Group Event**

**BUDGET
MODIFICATIONS**

VOUCHERS

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 207 through 267
General Fund Claim totaling \$29,852.72
Part-Town Fund Claim totaling \$7,556.43
Highway Town Wide Claim totaling \$5,939.83
Highway Part-Town Claim totaling \$-0-
Tuxedo Refuse District Claim totaling \$27,612.00
Hamlet Sewer District Claim totaling \$1,582.71
Total abstract amount: \$72,543.69

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

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

EXECUTIVE SESSION

**EXECUTIVE
SESSION**

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Board recess to executive session at 9:15 p.m. to discuss current litigation.

The Board reconvened the regular meeting at 10:30 p.m.

ADJOURNMENT

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, to adjourn the meeting at 10:30 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk