

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, March 10, 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.

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|-----------------------------|-----------------------|---------------|
| 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. David Maikisch, Building Inspector; Mr. Brian Sullivan, Zoning Board of Appeals Member; Mrs. Patricia Monico-Sullivan, Town Bookkeeper; 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 public comments on adoption of a revised Schedule of Senior Citizen Tax Exemptions, which would increase the maximum income ceiling and sliding scale exemptions, in accordance with recent changes in New York State Law, Chapter 298, to the maximum permissible under state law.

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 February 25, 2008, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for February, 2008 from the Justice Court (2), the Police Department and the Town Clerk, and he acknowledged that the Monthly Report for January, 2008 from the Supervisor has been prepared and filed with 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

- **Inspection of Ramapo River with Army Corps of Engineers**

Councilperson Darling reported that he, Councilperson Phelps, Highway Superintendent Joseph Tripoli and Deputy Superintendent Edward Pfizenmaier met on February 26, 2008 with two representatives from the U. S. Army Corps of Engineers to conduct flood risk probability analyses and identify flood prevention measures in the East Village. The group inspected the Ramapo River from the northern end of River Road to Contractor's Road. A silting problem was observed which appears to cause water to overflow the river channel instead of flowing downstream. The engineers were very receptive and positive toward getting funding for amelioration programs for the Town.

- **Installation of Indian Point Siren at Lucky Playground**

Supervisor Dolan advised that the Indian Point nuclear plant emergency alert siren has been installed at Lucky Playground at a more suitable, unobtrusive location some 100 feet north of that proposed by Entergy Corporation.

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS
ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update

*Inspection of Ramapo
River with Army
Corps of Engineers*

*Installation of Indian
Point Siren at Lucky
Playground*

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **Cell Tower at Sewage Treatment Plant**

Councilperson Darling advised that the proposal by Verizon to install a cell tower in the vicinity of the sewer plant on Contractors Road, and the lease therefor, are still under consideration but are held in abeyance until a determination is made of the final layout of the replacement plant in connection with the Tuxedo Reserve development.

2. Resolution Adopting Revised Schedule of Senior Citizen Tax Exemptions

Supervisor Dolan offered the following resolutions and moved their adoption; Councilperson Castricone seconded their adoption.

RESOLVED by the Town Board of the Town of Tuxedo, Orange County, New York, that the following shall constitute the Schedule of Exemptions for Senior Citizen Tax Exemption pursuant to Chapter 88 of the Code of the Town of Tuxedo:

| MAXIMUM ANNUAL INCOME | PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION |
|-----------------------|--|
| \$28,000 or less | 50% |
| \$28,001 to \$28,999 | 45% |
| \$29,000 to \$29,999 | 40% |
| \$30,000 to \$30,999 | 35% |
| \$31,000 to \$31,899 | 30% |
| \$31,900 to \$32,799 | 25% |
| \$32,800 to \$33,699 | 20% |
| \$33,700 to \$34,599 | 15% |
| \$34,600 to \$35,499 | 10% |
| \$35,500 to \$36,400 | 5% |

AND BE IT FURTHER RESOLVED, that this Schedule shall remain in effect until superseded by further resolution of the Town Board following public hearing.

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

3a. Resolution Rejecting Bid and Authorizing Re-Bid for Outdoor Stage at Powerhouse

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, the Town having received only one response in its bid for an outdoor stage at the Powerhouse, the Town Board hereby rejects such bid and authorizes the Town Clerk to advertise a re-bid at a later date.

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

3b. Resolution Accepting Proposal for Demolition of Powerhouse

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby accepts the proposal from Stalnaker & Sons, Inc., Contractors Road, Tuxedo, New York, for the demolition of the Powerhouse, in the manner and scope as specified in such proposal, at a total cost not to exceed \$8,100.00.

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

**AGENDA ITEMS:
(Continued)**

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

**Cell Tower at Sewage
Treatment Plan**

**Resolution
Adopting Revised
Schedule of Senior
Citizen Tax
Exemptions**

**Resolution
Rejecting Bid and
Authorizing Re-Bid
for Outdoor Stage at
Powerhouse**

**Resolution
Accepting Proposal
for Demolition of
Powerhouse**

AGENDA ITEMS (Continued):

4. Resolution Granting Special Permit for Farmers' Market and Chamber Banners

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby grants a Special Sign Permit authorizing the placement of Farmers' Market and Chamber of Commerce banners, interspersed among American Flags, along Route 17 throughout Town and in Southfields, as depicted on the drawing submitted.

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

5. Resolution Authorizing Surplus of Police Vehicle

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby declares the 2004 Crown Victoria Police Cruiser, Vehicle Identification Number 2FAHP71W54X117435, UPC #8000163, as surplus and authorizes the Town Clerk to advertise for its sale.

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

6. Resolution Authorizing Posting of Open Position Notice for Summer Camp Director

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby authorizes the Town Clerk to post an open position notice for Summer Camp Director.

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

7. Discussion of Increase to Fees in Lieu of Parkland Dedication for Land Development Applications

Town Counsel outlined the steps to be followed in increasing the Fees in Lieu of Parkland Dedication, commonly referred to as "Recreation Fees." Ms. Bonnie Franson, Tuxedo Town Planner, and Mr. Larry Wolinsky, Town Counsel, will provide guidance to the Town so that the process may commence as promptly as possible.

8. Discussion of Sign Law/Enforcement and Duties/Jurisdiction of ARB

At the suggestion of Councilperson Phelps, it was the consensus of the Town Board that he, in consultation with the Town Planner and the Chairman of the Architectural Review Board, analyze the Sign Law and its enforcement and administrative jurisdiction and make recommendations to the Town Board for any potential amendments.

OTHER BUSINESS:

Resolution Establishing Policy to Cease Review of Board Applications Following 60-day Delinquency in Payment of Fees

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that, in the event any applicant before any board of the Town of Tuxedo is delinquent for 60 days or more in the payment to the Town of any fee(s), expense(s) or reimbursement(s) due in connection with such board's review of the application submitted by such applicant, the review of such application will cease until all outstanding amounts are brought current to net 60 days.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Granting Special
Permit for Farmers'
Market and Chamber
Banners**

**Resolution
Authorizing Surplus
of Police Vehicle**

**Resolution
Authorizing Posting
of Open Position
Notice for Summer
Camp Director**

**Discussion of Increase
to Fees in Lieu of
Parkland Dedication
for Land
Development
Applications**

**Discussion of Sign
Law/Enforcement
and Duties/Jurisdic-
tion of ARB**

OTHER BUSINESS

**Resolution
Establishing Policy to
Cease Review of
Board Applications
Following 60-day
Delinquency in
Payment of Fees**

OTHER BUSINESS (Continued):

Scheduling of Fire Inspection at Farmers' Market

Mr. David Maikisch, Town Building Inspector, advised that his review of the New York State Fire Code has evidenced that a fire inspection is required prior to the opening of the Farmers' Market. Mr. Maikisch has notified the Farmers' Market representatives of the code requirements (e.g., placement of fire extinguishers) and will schedule the inspection shortly.

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

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Sign Law

Mrs. Dale Mottola, President of the Tuxedo Chamber of Commerce, expressed her appreciation to the Board for the review of the sign law. She noted that, although the law was enacted with the goal of beautification and improvement of the downtown area, the law as written is cumbersome and overwhelming both in interpretation and costs to the Tuxedo business owner, to the point that noncompliance has become an issue.

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

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 268 through 341
General Fund Claim totaling \$97,764.67
Part-Town Fund Claim totaling \$14,400.44
Highway Town Wide Claim totaling \$14,735.46
Highway Part-Town Claim totaling \$0-
Tuxedo Refuse District Claim totaling \$0-
Hamlet Sewer District Claim totaling \$1,219.83
Total abstract amount: \$128,120.40

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

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

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

**OTHER BUSINESS
(Continued)**

**Scheduling of Fire
Inspection at
Farmers' Market**

**PUBLIC
COMMENTS**

Sign Law

**BUDGET
MODIFICATIONS**

VOUCHERS

ADJOURNMENT