

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, April 28, 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. Thomas Darling	Councilperson
	Mr. Gary Phelps	Councilperson
	Ms. Lisa Spivak	Councilperson
Town Board Members Absent:	Mr. Daniel Castricone	Councilperson

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Patrick Welsh, Police Sergeant; Mr. Edward Pfizenmaier, Deputy Highway Superintendent; Mr. Andrew Rogers, Zoning Board of Appeals Member; Mr. David Maikisch, Building Inspector; and Mrs. Antionette Matthews, Deputy Town Clerk.

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

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 April 14, 2008, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged that, all Monthly Reports for March, 2008 having been received at the April 14, 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

- Settlement of Litigation - Village of Tuxedo Park and Sterling Forest LLC

Supervisor Dolan advised of the settlement of the referenced litigation concerning the 63-home Sterling Place development on 41 acres at Warwick Brook Road and Route 17. A synopsis of the settlement terms can be found in the outline prepared by Village official sand attached to these Minutes.

- Recreation Facilities

Supervisor Dolan announced with pleasure the following improvements at the recreation facilities noted below:

- Circle Field: Play equipment installation completed
- Lucky Playground: Play equipment formerly at Circle Field to be installed

2. Resolution Accepting Dedication of Susan Court

Supervisor Dolan offered the following resolution and moved its adoption.

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that, upon review of the proposed order and of the lands known as "Susan Drive" therein described to be released to the Town of Tuxedo and its Highway Superintendent for highway purposes:

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS
ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update
*Settlement of
Litigation - Village of
Tuxedo Park and
Sterling Forest LLC*

Recreation Facilities

Resolution
to Accept Dedication
of Susan Court

AGENDA ITEMS (Continued):

2. Resolution Accepting Dedication of Susan Court (Continued)

1. The Consent to Layout Our Highway be and the same hereby is given to the Town Superintendent of Highways of the Town of Tuxedo to make an Order Laying Out the lands to be released for highway purposes in accordance with the provisions of the Highway Law and other statutes applicable thereto; and

2. The Town of Tuxedo accepts ownership of or rights to the associated drainage improvements and easements, if any, and excluding any retaining walls, as may be more specifically set further therein.

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

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

3. Resolution Appointing Regina C. Maloney as Recreation Summer Camp Director

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Regina C. Maloney as part-time Recreation Summer Camp Director, effective as of April 23, 2008, at the salary rate of \$5,000.00 for the 2008 camp season.

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

4. Resolution Authorizing Agreement for Transfer of Ownership of Legion Building to Town of Tuxedo

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, subject to the review and approval of Town Counsel, the Town Board hereby authorizes the Town Supervisor to execute all necessary and appropriate agreements and documents to effectuate the transfer to the Town by American Legion Post 293 of its building located at 16 Old Orange Turnpike, Southfield, NY 10975.

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

5. Resolution Changing Designated Polling Place for Election District #2 to Sterling Forest Firehouse

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board, having been so directed by the Board of Elections of the County of Orange, hereby changes the official designation of the polling place for Tuxedo Election District #2 from the American Legion Building at 16 Old Orange Turnpike, Southfields, NY 10975 to the Sterling Forest Firehouse, 1664 Long Meadow Road, Tuxedo, NY 10987, effective immediately.

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

6. Statement of Recognition and Appreciation to Clean Sweep Volunteers

Supervisor Dolan and the Town Board members expressed their deep appreciation to all the residents who participated in the Clean Sweep on April 19. Mrs. Dale Mottola, President of the Tuxedo Chamber of Commerce which sponsored the event, noted that some 200 volunteers spent hours cleaning streets throughout Town, filling a large Dumpster with everything from cigarette butts and coffee cups to car parts and a snow blower.

**AGENDA ITEMS:
(Continued)**

**Resolution
Accepting Dedication
of Susan Court
(Continued)**

**Resolution
Appointing
Regina C. Maloney as
Recreation Summer
Camp Director**

**Resolution
Authorizing
Agreement for
Transfer of
Ownership of Legion
Building to Town of
Tuxedo**

**Resolution
Changing Designated
Polling Place for
Election District #2 to
Sterling Forest
Firehouse**

**Statement of
Recognition and
Appreciation to Clean
Sweep Volunteers**

OTHER BUSINESS:

Resolution Appointing Summer Highway Workers

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Christopher McGrady, Peter Barba and Matthew Goodfellow as part-time Summer Workers with the Highway Department for the 2008 summer season, effective on dates to be determined by the Highway Superintendent.

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

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.

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 533 through 597
General Fund Claim totaling \$58,601.55
Part-Town Fund Claim totaling \$3,875.76
Highway Town Wide Claim totaling \$4,408.34
Highway Part-Town Claim totaling \$0-
Tuxedo Refuse District Claim totaling \$27,612.00
Hamlet Sewer District Claim totaling \$315.27
Total abstract amount: \$94,812.92

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:20 p.m.

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

Meeting adjourned.

Respectfully submitted,

Antionette Matthews, Deputy Town Clerk

Elaine M. Laurent, Town Clerk

OTHER BUSINESS:

**Resolution
Appointing Summer
Highway Workers**

**PUBLIC
COMMENTS**

**BUDGET
MODIFICATIONS**

VOUCHERS

ADJOURNMENT

OUTLINE OF STERLING PLACE SETTLEMENT

(SOLELY INTENDED TO PROVIDE GENERAL INFORMATION FOR RESIDENTS AND TAXPAYERS OF TUXEDO PARK AND NOT INTENDED TO BE A FULL OR COMPLETE SUMMARY)

VILLAGE OF TUXEDO PARK

- Village will withdraw its appeal of judgment against Village in New York Supreme Court
- Village Engineer will review Revised Plans to be filed by Sterling Forest LLC for safety, reliability, efficiency and performance
- Once approved by Village Engineer, Village will file with Orange County Department of Health and DEC all necessary documents to obtain approval of water system proposed to be constructed by Sterling Forest LLC
- Once Sterling Forest receives DOH and DEC approvals and final Town of Tuxedo approvals and final Town of Tuxedo approvals, and upon completion of construction, Village will provide central water service to Sterling Place subdivision
- Village may charge Sterling Place homeowners water rates up to 16% in excess of rates charged to Village residents as permitted by law.

STERLING FOREST LLC

- Sterling Forest agrees to have judgment against Village in New York Supreme Court vacated (court will retain jurisdiction to enforce settlement agreement)
- Sterling Forest will discontinue its lawsuit against Village and Village trustees in U.S. District Court with prejudice
- Sterling Forest will construct water system to serve Sterling Place subdivision and bear entire cost of construction
- Upon completion of construction, Sterling Forest will transfer mains and other water system improvements to Village for no additional consideration
- Once final approval of subdivision is obtained, Sterling Forest will record deed restrictions to keep lots 29, 30 and 31 “wild” except for landscaping and fences approved by Village
- Within 30 days after filing of final approved subdivision plat, Sterling Forest will deed over to Village lots 29, 30 and 31 without additional consideration
- Within 30 days after filing of final approved subdivision plat, Sterling Forest will pay to Village \$25,000 to be used for installing landscaping, fencing or vegetative screening to protect view shed and limit unauthorized access to Village
- Within 30 days after filing of final approved subdivision plat, Sterling will pay to Village \$350,000 to be used solely for improving Wee Wah Dam (and Village agrees not to seek any additional contribution from Sterling Forest in regard to Wee Wah Dam)
- Sterling will pay for all costs of Village Engineer to review filings and monitor construction and all costs of any changes or additions to Village’s existing water system required by Revised Plans approved by Village Engineer
- If Village seeks to annex lots 29, 30 and 31 into Village, Sterling will not oppose such annexation.