

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, July 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
	Mr. Gary Phelps	Councilperson
	Ms. Lisa Spivak	Councilperson

Town Board Members Absent: None

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. John P. Norton, Police Sergeant; Mr. David Maikisch, Building Inspector; Mr. Francis Peverly, Zoning Board of Appeals Chairman; Mr. Andrew Rogers, 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.

Public Hearings were held to receive comments regarding Introductory Local Laws entitled "Amendments to Towing Law" and "Membership on Municipal Boards."

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 July 8, 2008, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for June, 2008 from the Justice Court (2).

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

- Sterling Mine Estates Subdivision

Supervisor Dolan advised that the developer has paved Juniper Terrace.

- Alexander's Pond

Supervisor Dolan advised that the condition of Alexander's Pond, located on Eagle Valley Road just west of the Eagle Valley Mini-Park, has worsened, and he will ask for advice from the NYS Department of Environmental Conservation for advice on improvements.

- Cell Tower

Councilperson Darling advised that Verizon is reconsidering the building of a tower at the sewer treatment plant on Contractor's Road and may opt to co-locate on another tower. He advised Verizon that the Town is amenable to the building of the tower, and a Verizon representative will report back to Councilperson Darling.

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS
ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update
*Sterling Mine Estates
Subdivision*

Alexander's Pond

Cell Tower

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **Reimbursement Rates for Emergency Assistance on Thruway**

Councilperson Castricone advised that he has pursuing with Assemblywoman Annie Rabbitt the possibility of an increase in reimbursement rates received by the Fire District and the Ambulance Corps for responding to emergencies on the 23 miles of the NYS Thruway within the Town. Assemblywoman Rabbitt suggested that the Town write to the Thruway Authority to request an increase, stating that she would be happy to send a letter of support on behalf of the Town as well.

RESOLUTION AUTHORIZING REQUEST FOR INCREASE IN EMERGENCY ASSISTANCE REIMBURSEMENT FROM THRUWAY

RESOLVED, motion made by Councilperson Castricone, seconded by Supervisor Dolan, that the Town Board hereby authorizes a written request be sent to the New York State Thruway Authority requesting an increase its current reimbursement rates of \$125 for fire response calls and \$75 for ambulance calls under its donation program to the Town of Tuxedo Fire District and Ambulance Corps, and that copies of such request be sent to the Tuxedo Board of Fire Commissioners.

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

• **Draft Comprehensive Plan Update**

Supervisor Dolan advised that the Draft Comprehensive Plan Update has been posted on the Town website (www.tuxedogov.org). He encouraged Town residents and all interested parties to review the document and provide comments at the September 8, 2008 public hearing.

2. Resolution Authorizing Naming of Roadway as "Ted's Way"

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

WHEREAS, for the purposes of Emergency 911, the Town of Tuxedo desires to implement a certain road name designation in addition to those designations and changes contained in resolutions of the Town Board dated June 23, 1993, September 8, 1993, March 23, 1994, February 22, 1995, October 11, 1995, November 20, 1995, April 17, 2000 and November 6, 2000.

NOW, THEREFORE, BE IT RESOLVED, that the following street name, which is located just north of Railroad Avenue and parallels Route 17, shall be designated at the area set forth below:

Ted's Way, an existing paved roadway area designated as Tax Map Section 5, Block 2, Lot 2

AND BE IT FURTHER RESOLVED, that, pursuant to Section 64(9) of the Town Law, the Town Clerk shall within ten (10) days from the date hereof provide notification of the foregoing to the Office of the Assessor of the Town of Tuxedo, the Tuxedo Planning Board, the Orange County Clerk, the Orange County Real Property Department, the Orange County Engineer, and the Post Office Department of the United States.

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

3. Tabled Resolution to Adopt Local Law Entitled "Amendments to Towing Law"

This item was tabled until the September 22, 2008 meeting.

Town Supervisor/
Town Board Update

*Reimbursement Rates
for Emergency
Assistance on
Thruway*

**RESOLUTION
AUTHORIZING
REQUEST FOR
INCREASE IN
EMERGENCY
ASSISTANCE
REIMBURSEMENT
FROM THRUWAY**

*Draft Comprehensive
Plan Update*

**Resolution
Authorizing
Naming of Roadway
as "Ted's Way"**

*Tabled Resolution
to Adopt Local Law
Entitled "Amendments
to Towing Law"*

AGENDA ITEMS (Continued):

4. Resolution Adopting Local Law #2 of 2008 Entitled "Membership on Municipal Boards"

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

WHEREAS, Introductory Local Law #2 of 2008 entitled, "Membership on Municipal Boards" was introduced before the Town Board of the Town of Tuxedo on June 9, 2008 and, upon notice duly published and posted, a public hearing was held on July 28, 2008, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of Introductory Local Law #2 of 2008 is hereby determined not to have a significant effect on the environment; and be it

FURTHER RESOLVED, that Introductory Local Law #2 of 2008 of the Town of Tuxedo be and hereby is adopted as Local Law #3 of 2008 of the Town of Tuxedo on July 28, 2008.

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

5. Tabled Resolution to Adopt Revised Schedule of Towing Fees

This item was tabled until the September 22, 2008 meeting.

6. Tabled Resolution to Introduce Local Law Entitled "Amendment to Flood Damage Prevention Ordinance"

At the advice of Town Counsel, this item was tabled until release and distribution by the NYS Department of Environment Conservation of final flood plain maps to municipalities.

7. Resolution Increasing Mileage Reimbursement Rate

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby authorizes an increase to the mileage reimbursement for personal car usage for Town business from \$.505/mile to \$.58 per mile for 2008.

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

8a. Resolution Authorizing Release of Performance Bonds for Woodlands Phase II

RESOLVED, motion made by Supervisor Dolan seconded by Councilperson Castricone, that, pursuant to the recommendation of the Town Planning Board made by resolution at its July 8, 2008 meeting, and subject to the review and approval of Town Counsel, the Town Board hereby approves the release of the Subdivision Bond #111 1949 5858 in the amount of \$10,000.00 provided by K. Hovnanian at Tuxedo, Inc. for public improvements in the Woodland Phase II subdivision, contingent upon receipt by the Town of all fees and charges owed by K. Hovnanian to the Town.

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

8b. Resolution Authorizing Release of Performance Bonds for Woodlands Phase III

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, pursuant to the recommendation of the Town Planning Board made by resolution at its July 8, 2008 meeting and

**AGENDA ITEMS:
(Continued)**

**Resolution
Adopting Local Law
#2 of 2008 Entitled
"Membership on
Municipal Boards"**

**Tabled Resolution
to Adopt Revised
Schedule of Towing
Fees**

**Tabled Resolution to
Introduce Local Law
Entitled "Amendment
to Flood Damage
Prevention Ordinance"**

**Resolution
Increasing Mileage
Reimbursement Rate**

**Resolution
Authorizing Release
of Performance
Bonds for Woodlands
Phase II**

**Resolution
Authorizing Release
of Performance
Bonds for Woodlands
Phase III**

AGENDA ITEMS (Continued):

8b. Resolution Authorizing Release of Performance Bonds for Woodlands Phase III (Continued)

confirmed by the Town Engineer by letter dated June 10, 2008, and subject to the review and approval of Town Counsel, the Town Board hereby approves the release of the Subdivision Bond #111 1949 5866 in the amount of \$10,000.00 provided by K. Hovnanian at Tuxedo, Inc. for public improvements in the Woodland Phase III subdivision, contingent upon receipt by the Town of all fees and charges owed by K. Hovnanian to the Town.

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

8c. Resolution Authorizing Release of Performance Bonds for Woodlands Phase IV

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, pursuant to the recommendation of the Town Planning Board made by resolution at its July 8, 2008 meeting and confirmed by the Town Engineer by letter dated June 10, 2008, and subject to the review and approval of Town Counsel, the Town Board hereby approves the release of the Subdivision Bond #111 1949 5692 in the amount of \$32,500.00 provided by K. Hovnanian at Tuxedo, Inc. for public improvements in the Woodland Phase III subdivision, contingent upon receipt by the Town of all fees and charges owed by K. Hovnanian to the Town.

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

9. Resolution Determining the Validity of a Petition for a Proposition to Increase the Town Board Budgetary Allocation for the Tuxedo Park Library

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

WHEREAS, the Town Board is the entity which can vote on such taxes unless the procedures for petition in subsection b(1) are implemented; and

WHEREAS, the Town Board has received and reviewed a petition pursuant to Education Law §259(1)(b)(1), which Petition has been endorsed by the Board of Trustees of the Library; and

WHEREAS, the Petition has been reviewed by Town officials.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Tuxedo, Orange County, New York, as follows:

1. The Petition is properly executed by qualified voters in excess of 10% of the total number of votes cast in the Town of Tuxedo for governor at the last gubernatorial election and has been properly endorsed by the Board of Trustees of the Tuxedo Park Library;

2. The Town Clerk is directed to forward an abstract of the proposition annexed hereto to the County Board of Elections so the same may be set forth on the ballot of the next general election of the Town of Tuxedo on November 4, 2008; and

3. If such proposition is approved by the majority of the voters voting thereon at the general election, the amount so authorized shall be the budgetary appropriation for the next Town Budget adopted subsequent to such election pursuant to § 259(1)(b)(1).

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

10. Reminder of Public Hearing on Draft Comprehensive Plan Update - September 8, 2008

Supervisor Dolan reminded the public that a Public Hearing on the Draft Comprehensive Plan Update will be held on Monday, September 8, 2008 at 7:30 p.m.

**AGENDA ITEMS:
(Continued)**

**Resolution
Authorizing Release
of Performance
Bonds for Woodlands
Phase III (Continued)**

**Resolution
Authorizing Release
of Performance
Bonds for Woodlands
Phase IV**

**Resolution
Determining the
Validity of a Petition
for a Proposition to
Increase the Town
Board Budgetary
Allocation for the
Tuxedo Park Library**

**Reminder of Public
Hearing on Draft
Comprehensive Plan
Update - 09/08/08**

OTHER BUSINESS:

Resolution Authorizing Justice Court Application for Grant Funds

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby authorizes the Tuxedo Town Court to apply for funding under the 2008 Justice Court Assistance Program for security equipment, including indoor and outdoor video surveillance cameras and accessories.

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

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 953 through 971 and 973 through 1036 (Claim number 972 void)
General Fund Claim totaling \$111,746.92
Part-Town Fund Claim totaling \$65,557.85
Highway Town Wide Claim totaling \$9,761.24
Highway Part-Town Claim totaling \$13,676.39
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$7,937.88
Total abstract amount: \$239,631.28

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

Authorization for Payment was thereafter signed by Councilperson Spivak, Supervisor Dolan, Councilperson Castricone and Councilperson Darling. It was acknowledged by the Town Board that, due to a clerical error, the abstract and vendor checks bear the date of July 21, 2008 but that no checks will be mailed until July 29, 2008 or after.

ADJOURNMENT

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Darling, to adjourn the meeting at 8:50 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

OTHER BUSINESS:

**Resolution
Authorizing
Justice Court
Application for
Grant Funds**

**PUBLIC
COMMENTS**

**BUDGET
MODIFICATIONS**

VOUCHERS

ADJOURNMENT