

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, August 25, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:49 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: Howard Protter, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. David Maikisch, Building Inspector; Mr. Francis Peverly, Zoning Board of Appeals Chairman; Mr. Andrew Rogers, Zoning Board of Appeals Member;; and Mrs. Elaine M. Laurent, 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 August 12, 2008, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSTAIN: [2 - Councilpersons Castricone and Phelps]

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for July, 2008 from the Justice Court (2), the Police Department and the Town Clerk, and he acknowledged that the Monthly Report for July, 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.

Discussion was held with the public concerning Agenda Item #4.

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

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

- **American Legion Building**

Supervisor Dolan announced that transfer of ownership of the American Legion building on Old Orange Turnpike (County Route 19) has been completed. The Town will spruce up the building with paint and a thorough cleaning and will improve the driveway for easier access. A Town Board meeting will be held there in the near future.

2. Resolution Authorizing Reduction of Sterling Mine Estates Subdivision Performance Bond

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that, pursuant to the recommendation of the Town Planning Board made by resolution at its August 12, 2008 meeting, and confirmed by the Town Engineer in his letter dated July 28, 2008, and subject to the review and approval of the Town Counsel, the Town Board hereby approves the reduction of the Subdivision Performance Bond provided by the applicant for public improvements in the Sterling Mine Estates subdivision from the amount of \$235,611.75 to \$125,000.00; and be it

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS
ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update
*American Legion
Building*

Resolution
Authorizing
Reduction of Sterling
Mine Estates
Subdivision
Performance Bond

AGENDA ITEMS (Continued):

2. Resolution Authorizing Reduction of Sterling Mine Estates Subdivision Performance Bond (Continued)

FURTHER RESOLVED, that the Town Board, acknowledging that the reduced amount exceeds the recommendations of the Planning Board and Town Engineer, will consider a further reduction at the September 8, 2008 meeting; and be it

FURTHER RESOLVED, that, pursuant to the recommendation of the Town Engineer in his letter dated July 28, 2008, the applicant is hereby directed to landscape the subdivision retaining wall terraces, for which the applicant has submitted a Vegetation Restoration Bond in the amount of \$25,000.00, by the planting of wildflowers, to the satisfaction of the Town Engineer.

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

3. Resolution Opposing Proposal by NYS to Transfer Town Registrar Duties to County and Raise Fees to Public

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

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness (the "Commission") has made certain recommendations to the Governor which affect the operation of local governments; and

WHEREAS, one of the recommendations of the Commission is to transfer all duties of the Registrar of Vital Statistics from the local level to the county level under the direction of the New York State Health Commissioners; and

WHEREAS, the local Registrars provide residents with efficient, individualized services at a reasonable cost; and

WHEREAS, in Orange County, such a change would require some residents of the county to travel more than one hour to the county seat in Goshen to transact business, during a time when the cost of gasoline is approximately \$4.00 per gallon; and

WHEREAS, the local Registrars charge \$10.00 per certified copy while the State proposes that the County will charge \$30.00 per certified copy; and

WHEREAS, in this time of economic hardship, it is inappropriate to suggest that the residents incur extra, unnecessary expenses; and

WHEREAS, the New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Record's duties to the "Pandemic Flu and Public Health Emergency Preparedness Law" S8184 (Hannon) and A11550 (Gottfried).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Tuxedo Town Board adamantly opposes the proposal to transfer the Registrar duties to the County level, as it would create a great hardship and a disservice to our local residents and taxpayers; and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Governor David A. Paterson; Senators Thomas P. Morahan, William J. Larkin and John J. Bonacic; Assemblypersons Annie G. Rabbitt, Nancy Calhoun, Aileen M. Gunther and Thomas J. Kirwan; and County Legislature Chair M. William Lahey.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Authorizing
Reduction of Sterling
Mine Estates
Subdivision
Performance Bond
(Continued)**

**Resolution
Opposing Proposal by
NYS to Transfer
Town Registrar
Duties to County and
Raise Fees to Public**

AGENDA ITEMS (Continued):

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

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

OTHER BUSINESS:

Tuxedo Reserve - Proposed Third Amendment to Special Permit

Supervisor Dolan advised the public that Tuxedo Reserve has applied for a third amendment to the Special Permit for the development. A presentation outlining the proposed amendment will be given at the Town Board meeting to be held on September 22, 2008.

Resolution Granting Extension of Special Sign Permit for Taverna Tuxedo

RESOLVED, motion made by Councilperson Phelps, seconded by Councilperson Darling, that, pursuant to Section 79-6 of the Town Code of the Town of Tuxedo, the Town Board hereby extends the Special Sign Permit granted on April 14, 2008 to Jennifer R. Hartley to place a banner measuring 3' by 5' at the Taverna Tuxedo restaurant, 209 Route 17, Tuxedo, New York for an additional period of 120 days, commencing August 25, 2008 and ending December 22, 2008, such banner bearing the following wording: "Now Open/Taverna Tuxedo/Lunch & Dinner/(845) 915-3220"; and be it

FURTHER RESOLVED, that the applicant is hereby directed to complete and file a Sign Permit with the Tuxedo Building Department.

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

Unightly Property Conditions at Maplebrook Residence

Councilperson Castricone advised that he has received complaints from residents regarding the condition of the yard at a home in Maplebrook. Since at least 1995, dirt piles, construction vehicles and a temporary structure have existed on the property, causing a very unsightly appearance. The Building Inspector will check the Town Code for regulations. Town Counsel advised that the Town Code does not contain regulations governing conditions of this sort and recommended that the Board consider a code change. The Town Board members will view the property and continue discussions at a future meeting.

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:

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, the Town Board having been advised that certain accounts of the Town are or will be projecting deficits, the following budget modifications are hereby authorized:

GENERAL FUND:

Increase the following revenue accounts accordingly:

A1265 (Attorney Fees)	\$ 67,000.00
A1560 (Inspection/Engineer Fees)	\$133,000.00
A2653 (Sale of Fuel)	\$280,000.00
A2705 (Gifts and Donations)	\$450,000.00

**AGENDA ITEMS:
(Continued)**

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

OTHER BUSINESS:

**Tuxedo Reserve -
Proposed Third
Amendment to
Special Permit**

**Resolution
Granting Extension
of Special Sign
Permit for Taverna
Tuxedo**

**Unightly Property
Conditions at
Maplebrook
Residence**

**PUBLIC
COMMENTS**

**BUDGET
MODIFICATIONS**

BUDGET MODIFICATIONS (Continued):

**BUDGET
MODIFICATIONS
(Continued)**

GENERAL FUND (Continued):

Appropriate as follows:

A1440.4 Engineer - Contractual)	\$200,000.00
A1620.2 (Building, Contractual)	\$450,000.00
A1690.4 (Central Fuels, Contractual)	\$280,000.00

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
A1990.4 (Contingency)	A1345.4 (Purchasing, Contractual)	\$ 412.00
A1990.4 (Contingency)	A5132.4 (Garage, Contractual)	\$ 4,000.00
A5132.2 (Garage, Equipment)	A5132.4 (Garage, Contractual)	\$20,000.00
A7110.4 (Parks, Contractual)	A7110.1 (Parks, Personnel)	\$ 3,000.00
A7140.4 (Play/Rec Cent Contract.)	A7310.1 (Youth Programs, Personnel)	\$ 3,400.00
A7140.4 (Play/Rec Cent Contract.)	A7310.1 (Youth Programs, Contractual)	\$ 400.00
A1990.4 (Contingency)	A8189.4 (Other Sanitation, Contractual)	\$ 2,000.00
A1990.4 (Contingency)	A8510.4 (Comm. Beautification, Contractual)	\$ 1,371.00

PART TOWN FUND:

Increase appropriation account:

B7110.2 Parks (Field Maintenance and Equipment)	\$40,305.00
By budgeting B0909 (Fund Balance Unreserved)	\$40,305.00

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
B9040.8 (Workers' Compensation)	B9015.8 (Fire & Police Retirement)	\$28,744.00

HIGHWAY FUND – TOWN WIDE:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
DA5142.1 (Snow Removal, Personnel)	DA5142.4 (Snow Removal, Contractual)	\$ 7,994.95
DA9010.8 (State Retirement)	DA510.2 (Machinery, Equipment)	\$13,803.92
DA9040.8 (Workers' Compensation)	DA5130.2 (Machinery, Equipment)	\$ 3,816.08
DA9040.8 (Workers' Compensation)	DA5140.4 (Misc. Brush & Weeds, Contract.)	\$ 8,032.87

TRUST AND AGENCY:

Recognize donation of \$2,500.00 plus interest of \$2.01 Account T0036 (Train Station) and the transfer of \$2,502.01 from Account T0036 to the General Fund Account A2705 (Gifts and Donations), then appropriate to A1620.2 (Building, Equipment).

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 1,168 through 1,215
 - General Fund Claim totaling \$96,117.12
 - Part-Town Fund Claim totaling \$5,600.31
 - Highway Town Wide Claim totaling \$7,829.20
 - Highway Part-Town Claim totaling \$479.70
 - Tuxedo Refuse District Claim totaling \$30,951.00
 - Hamlet Sewer District Claim totaling \$-0-
 - Total abstract amount: \$140,977.33

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

VOUCHERS (Continued)

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:25 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**VOUCHERS
(Continued)**

ADJOURNMENT