

September 8, 2008
Regular Bi-Monthly Meeting
Town of Tuxedo Town Board
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The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, September 8, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:42 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. Patrick Welsh, Police Sergeant; Mr. Joseph P. Tripoli, Sr., Highway Superintendent; Mr. David Maikisch, Building Inspector; Mrs. Susan Goodfellow, Planning Board Member; Mr. Francis Peverly, Zoning Board of Appeals Chairman; Messrs. Darrin Maynard and Andrew Rogers, Zoning Board of Appeals Members; Ms. Bonnie Franson, Town Planner; and Mrs. Elaine M. Laurent, Town Clerk.

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

A period of silence was observed to honor the memories of two residents who passed away recently.

Celeste Cornelius, a life-long resident of Tuxedo, passed away on August 12, 2008. Born June 22, 1949, Celeste was employed by the Tuxedo Union Free School District and also served as the preschool teacher in the Town's summer camp program for many years; she was cherished by the hundreds of children she lovingly cared for and nurtured. Celeste was a woman of great strength, and through all things put her family first. She is survived by her husband, Robert, daughter Laurie and husband Kenneth Sanford and their daughter, Olivia Celestine, daughter Melissa and her husband Anthony Kurtz, and son Michael.

Renee Lamouree, a life-long Tuxedo resident, passed away on August 25, 2008. Born October 6, 1922, Renee was a graduate of Tuxedo High School as valedictorian and also a graduate of Columbia University where she earned her bachelor in science and master of arts and science. Renee was an RN and a certified school teacher in the NYS schools. She was a patron of the arts and contributed to numerous charities throughout her life. Most of us knew of Renee as the woman who doggedly walked to Town along Route 17 each morning, to and from her home on Paterson Hill. Many would ask her if she would like a ride, to which she would always politely decline, and continue on her constitutional.

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 25, 2008, as submitted.

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

MONTHLY REPORTS

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

PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Discussion was held with the Mr. Andrew Berish concerning Agenda Item #4.

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

MINUTES

**MONTHLY
REPORTS**

**PUBLIC COMMENTS
ON AGENDA ITEMS**

AGENDA ITEMS:
(Continued)

Town Supervisor/
Town Board Update

2009 Budget
Preparation

Train Station
Renovation

Electronic Voting
Machines

Relocation of Election
District #2

Millennium Pipeline
Testing

Traffic-Slowing
Warning Signs

Resolution
Authorizing
Reduction of
Sterling Mine
Estates Subdivision
Performance Bond to
\$75,000.00

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update

• **2009 Budget Preparation**

Supervisor Dolan advised that the budget process for 2009 has begun with his request to all department heads for their proposals, which have been received and provided to the Town Board members for review.

• **Train Station Renovation**

Supervisor Dolan advised that the renovation of the train station is moving along at a good pace. Workers are currently sanding the interior walls, and the renovation committee is deciding on paint colors.

• **Electronic Voting Machines**

Supervisor Dolan announced that one of the electronic voting machines which will be used in 2009, replacing the mechanical machines, will be used for handicapped voters at tomorrow's Primary Election. All of the Town's four voting districts have been consolidated for tomorrow's election, and all voting will take place at Town Hall.

• **Relocation of Election District #2**

Supervisor Dolan reminded the public that the location of Election District #2, which encompasses the northern part of town, has been changed from the American Legion building to the Sterling Forest Firehouse. Except when consolidated, as in tomorrow's election, all future elections for District #2 will be held at the firehouse.

• **Millennium Pipeline Testing**

Supervisor Dolan notified the public that testing of the new Millennium Pipeline began on September 6 and will continue through September 12. Very loud noises will result, particularly on Long Meadow Road near the Indian Kill Reservoir.

• **Traffic-Slowing Warning Signs**

Councilperson Castricone advised that he has been approached by residents of Clinton Woods requesting signs to slow traffic, similar to the fluorescent signs used in the Maplebrook subdivision. The Highway Superintendent will act on this.

2. Resolution Authorizing Reduction of Sterling Mine Estates Subdivision Performance Bond to \$75,000.00

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 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 \$125,000.00 to \$75,000.00; 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]

AGENDA ITEMS (Continued):

3. Resolution Amending Special Sign Permit Granted to Pet Grooming Business on Nolans Way

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby amends the effective date of the Special Sign Permit granted on July 8, 2008 to Cathy Bauman, d/b/a K-9 Suites, to commence on September 9, 2008 and continue through November 1, 2008, unless the Planning Board denies the kennel application of K-9 Suites, in which event the Special Sign Permit becomes immediately null and void and all signs must be removed.

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

4. Resolution Authorizing Town Counsel to Defend Tax Certiorari Proceedings

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, the following tax certiorari proceedings having been commenced against the Town of Tuxedo to contest the 2008-09 tax roll, the Town Board of the Town of Tuxedo, Orange County, New York, does hereby authorize the law firm of Jacobowitz and Gubits, LLP, to defend the Town in such cases:

<u>Name</u>	<u>Index No.</u>
David Dangoor	7707/08
International Paper Company	7865/08
Specialized Realty Services, LLC	7927/08
John Paul Primiano	8111/08
John Paul Primiano	8110/08

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

5. Resolution Authorizing Bid for Pavilion at Powerhouse

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, upon the completion and submission to the Town Clerk of bid specifications, and subject to the review and approval of Town Counsel, the Town Clerk is hereby authorized to advertise for bids for a pavilion at the Powerhouse Building on Powerhouse Lane, with a bid opening date scheduled for two weeks after publication of the advertisement for bids.

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

6. Resolution Authorizing Bid for Amphitheater

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, upon the completion and submission to the Town Clerk of bid specifications, and subject to the review and approval of Town Counsel, the Town Clerk is hereby authorized to advertise for bids for an amphitheater at the Powerhouse Building on Powerhouse Lane, with a bid opening date scheduled for two weeks after publication of the advertisement for bids.

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

OTHER BUSINESS:

Resolution Authorizing Agreement for Snow and Ice Control on County Roads

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Supervisor is hereby authorized to enter into an agreement with the County of Orange Department of Public Works for the control of snow and ice on County Road 84 and County Road 72 by the Town of Tuxedo Highway Department for the 2008-2009 season.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Amending Special
Sign Permit Granted
to Pet Grooming
Business on Nolans
Way**

**Resolution
Authorizing Town
Counsel to Defend
Tax Certiorari
Proceedings**

**Resolution
Authorizing
Bid for Pavilion
at Powerhouse**

**Resolution
Authorizing
Bid for Amphitheater
at Powerhouse**

OTHER BUSINESS:

**Resolution
Authorizing
Agreement for Snow
and Ice Control on
County Roads**

OTHER BUSINESS (Continued):

Resolution Appointing Michael A. Dunlop, Jr. as Part-Time Dispatcher

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby appoints Michael A. Dunlop, Jr. as a Part-Time Police Dispatcher, effective September 10, 2008, at a salary rate of \$10.00 per hour during training, to be increased to \$12.00 per hour upon successful completion of training.

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

Resolution Authorizing Retaining Special Counsel in Administration of GML §207c Benefits for Police Officer

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby authorizes the retaining of Richard A. Glickel, Esq. of West Nyack, New York, to act as Special Counsel to defend the Town's interests in its administration of GML §207c benefits for Police Officer John J. Tamburello, including any due process hearing(s) concerning the termination of vested benefits and all related issues, as well as any post-administrative hearing litigation and appellate practice, at the fees outlined in Mr. Glickel's retainer letter dated September 8, 2008, on file in the Town Clerk's office.

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

Reminder of 9/11 Memorial Service at St. Mary's

Councilperson Phelps reminded the public that the seventh anniversary of the September 11th terrorist attacks will be marked with a memorial service at St. Mary's Episcopal Church.

Resolution Acknowledging Receipt of Tuxedo Reserve Proposed Third Amendment to Special Permit and Authorizing Referrals

Supervisor Dolan offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Tuxedo ("Town Board") has received the application of Tuxedo Reserve Owner, LLC (a successor of R.H. Tuxedo Development, L.P.) seeking a third amendment to the Special Permit issued by the Town Board on November 15, 2004 for the Tuxedo Reserve Planned Integrated Development ("Tuxedo Reserve");

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

1. The instant application is acknowledged as received as of August 28, 2008.
2. The application is hereby referred to the Town of Tuxedo Planning Board for its review and reporting of its recommendations to the Town Board.
3. The application is hereby referred to the Orange County Department of Planning for General Municipal Law §239 l, m and n review.
4. The application is hereby referred to the County of Rockland as well as to those municipalities which adjoin the Town of Tuxedo; namely, Towns of Monroe, Warwick and Woodbury, Villages of Greenwood Lake, Harriman, Monroe, Sloatsburg and Tuxedo Park and the Borough of Ringwood, NJ.

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

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

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

**OTHER BUSINESS:
(Continued)**

**Resolution
Appointing
Michael A. Dunlop,
Jr. as Part-Time
Dispatcher**

**Resolution
Authorizing
Retaining Special
Counsel in
Administration of
GML §207c Benefits
for Police Officer**

**Reminder of 9/11
Memorial Service at
St. Mary's**

**Resolution
Acknowledging
Receipt of Tuxedo
Reserve Proposed
Third Amendment to
Special Permit and
Authorizing Referrals**

PUBLIC HEARING TO RECEIVE COMMENTS ON DRAFT COMPREHENSIVE PLAN UPDATE

A public hearing was held to receive comments on the Draft Comprehensive Plan update, separate minutes of which have been prepared.

BUDGET MODIFICATIONS:

There were no budget modifications.

PUBLIC COMMENTS:

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

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 1,216 through 1,275
General Fund Claim totaling \$82,546.39
Part-Town Fund Claim totaling \$11,758.04
Highway Town Wide Claim totaling \$7,270.11
Highway Part-Town Claim totaling \$6,205.68
Tuxedo Refuse District Claim totaling \$-0-
Hamlet Sewer District Claim totaling \$1,378.57
Total abstract amount: \$109,158.79

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 10:01 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**PUBLIC HEARING TO
ON DRAFT
COMPREHENSIVE
PLAN UPDATE**

**BUDGET
MODIFICATIONS**

**PUBLIC
COMMENTS**

VOUCHERS

ADJOURNMENT