

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, October 14, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:32 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. Joseph P. Tripoli, Sr., Highway Superintendent; Mr. David Maikisch, Building Inspector; 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.

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 September 22, 2008, as submitted.

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

MONTHLY REPORTS

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

PUBLIC COMMENTS ON AGENDA ITEMS

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

1. Town Supervisor/Town Board Update

• **Water Line at Powerhouse**

Supervisor Dolan advised that the Highway Department is installing a water line at the Powerhouse property this week.

• **Water Retention System at Organic Recycling Facility**

Supervisor Dolan advised that the water retention system is near completion and was inspected by the Building Inspector this afternoon. A site inspection will be conducted by the NYS Department of Environmental Conservation on Friday, October 24, 2008.

• **Flu Shot Clinic**

Supervisor Dolan advised that flu shots will be administered by First Care Physicians Associates at the Tuxedo Elementary School cafetorium on Friday, November 7, 2008 from 3:00 p.m. to 4:00 p.m. The clinic is open to all Tuxedo community residents over 18 years of age at a cost of \$30.00. Further information can be obtained by calling the school nurse, Mrs. Kathleen Habesland, R.N., at 834-351-4786, Ext. 415.

2. Resolution Appointing Jerry Magurno as Member of Board of Assessment Review

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby appoints Jerry Magurno as a member of the Board of Assessment Review effective as of October 1, 2008, with his term of office to expire on September 30, 2013.

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

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

**Town Supervisor/
Town Board Update**

***Water Line at
Powerhouse***

***Water Retention
System at Organic
Recycling Facility***

Flu Shot Clinic

**Resolution
Appointing
Jerry Magurno as
Member of Board of
Assessment Review**

AGENDA ITEMS (Continued):

3. Resolution Appointing Deborah Villanueva as Member of Recreation Board

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby appoints Deborah Villanueva as a member of the Parks & Recreation Advisory Board effective as of October 1, 2008, with her term of office to expire on December 31, 2010.

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

4. Resolution Commemorating 325th Anniversary of Incorporation of Orange County

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, the Town wishing to participate in the celebration of the 325th anniversary of the incorporation of the County of Orange by briefly highlighting the important elements of the Town of Tuxedo, the Town Board hereby submits the following information compiled by its Historian, Christian Sonne.

The area now comprising the Town of Tuxedo was originally part of the Precinct of Cornwall and later the Town of Southfield, which changed its name to Monroe in 1808, until Tuxedo became a separate town effective March 3, 1890.

Along the Ramapo River from what is now the Hamlet of Tuxedo, through the Hamlet of Southfields to the Hamlet of Arden, was from the mid-eighteenth century to the late-nineteenth century home to the iron-making industry. Iron mines existed in the part of Tuxedo now in Harriman State Park and close to the border with Warwick. George Washington, whose troops built Continental Road through what is now the incorporated Village of Tuxedo Park to facilitate his travel from Trenton to Newburgh, spent the night of July 20, 1777 at Galloway's Tavern in Southfields. During the Civil War, the Parrots at Greenwood, now called Arden, made the iron for the Parrot cannons. In the late-1880's, mining and iron making in what is now Tuxedo ceased due to the discovery of iron ore in the Midwest, which was more easily mined.

*In 1885/86, two extraordinary men from New York City, Pierre Lorillard and Edward H. Harriman, came to the Town and made a lasting impact on it. Pierre Lorillard IV, whose grandfather had acquired land in 1814 from a bankrupt iron maker's estate, bought out his six siblings' interests in the land and, within a year, created a gated community with a clubhouse on Tuxedo Lake, including 13 cottages for rent or sale, 17 miles of road, sewer and water systems, and an 8-foot fence around about 3,000 acres. At the opening of the clubhouse on May 30, 1886, there were already over 200 members of the club, and within 30 years, over 400 members of whom 115 had built residences. Well known because its name is used in the United States for men's formal wear, since it was the first place in America where the garment was generally worn, Tuxedo park has been home to such well-known people as George F. Baker, one of the founders of the First National Bank, Emily Post, author of *Etiquette*, Alfred Lee Loomis, who spearheaded the development of radar in World War II; and Dorothy Draper, the leading interior decorator of the period from the 1930's to the 1960's. Today, the incorporated village boasts over 330 residences, a significant number of which were designed by leading architects of the first part of the twentieth century, and the entire village is listed on the National Register of Historic places, as is the railway station in the hamlet of Tuxedo.*

The influence of Edward H. Harriman on the northern area of the Town, much of which he bought at auction from the Parrot family in 1886, was equally important. Renaming the place Arden, he created a dairy farm and built several houses. After he died in 1909, his wife gave 10,000 acres plus money for more land acquisition to the then new Palisades Interstate park. He also acquired the landholding of the Sterling Mine & Railway Company, with over 9,000 acres in the Town of Tuxedo. His son, Averill Harriman, was Governor of New York from 1955-1959. Most of the Sterling property is now Sterling Forest State Park.

The southern part of Town, known as Eagle Valley, borders Ringwood, New Jersey. Its fertile farmland was first settled around 1870. What was once the farm of William Pierson Hamilton, great-

**AGENDA ITEMS:
(Continued)**

**Resolution
Appointing
Deborah Villanueva
as Member of
Recreation Board**

**Resolution
Commemorating
325th Anniversary of
Incorporation of
Orange County**

AGENDA ITEMS (Continued):

4. Resolution Commemorating 325th Anniversary of Incorporation of Orange County (Continued)

grandson of Alexander Hamilton, married to J. P. Morgan's daughter, Juliet, is now the golf course of the Tuxedo Club.

Today, Tuxedo is the smallest town in Orange County by population, with an estimated population in 2007 of 3,683. About 75% of its land surface of 30,747 acres is or is committed to be permanent open space, principally in the Palisades Interstate Park.

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

5a. Resolution Authorizing Execution of Agreement for Police Coverage for Forest of Fear for 2008 Season

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Supervisor is hereby authorized to enter into an agreement with Renaissance Entertainment Corp. For Police services for the Fall, 2008 Forest of Fear event.

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

5b. Resolution Granting Special Permit for Operation of Carnival Rides at Forest of Fear for 2008 Season

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board, in accordance with the Zoning Code of the Town of Tuxedo under Article 3, Section 98-10, Column H, Item 8-K, grants and files a special permit to Renaissance Entertainment Corp. to operate four (4) carnival rides, as depicted in the submission made to the Town and filed in the Town Clerk's office, for the 2008 Forest of Fear season only, SUBJECT TO inspection by the Town Building Inspector; and FURTHER SUBJECT TO the applicant's obtaining any and all necessary permits and inspections that are required by all applicable governmental agencies, and FURTHER SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as additional insured and furnish a Certificate of Insurance covering the Town of Tuxedo at least 10 days prior to the commencement of the activities.

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

6. Acknowledgment of Filing of 2009 Tentative Town Budget

Supervisor Dolan acknowledged that the 2009 Tentative Town Budget was filed with the Town Clerk on September 30, 2008 and that copies thereof were provided to the Town Board members, Town Counsel, Department Heads, the Mayor of Tuxedo Park and the Library.

7. Discussion of Powerhouse Property

Mr. Tom Landry and several residents of River Road in the East Village appeared before the Board and expressed their deep concerns that work done by the Town at the Powerhouse, including grading, filling and moving of earth, will worsen the flooding that has plagued their homes in the past. Mr. Landry displayed photographs of flooding in 1999 and 2007. Supervisor Dolan explained that the Powerhouse property had been a dumping ground which the Town cleaned up, removing such items as fuel oil tanks, cars, refrigerators and other appliances, as well as garbage, brush and asphalt. Much of the topsoil that was brought to the site by the Town was used to fill holes resulting from such removal. The DEC inspected the site and found that some fill had been placed in the floodway, and the Town redistributed that fill so as not to interfere with the floodway. Upon reinspection, the DEC was pleased with the conditions at the site. The area will be York raked in the near future, and it is felt that the improved condition of the land will in fact reduce the potential for flooding. The main reason that flooding occurs in the East Village is that, in heavy rains, the water backs up because it cannot flow down the Ramapo.

**AGENDA ITEMS:
(Continued)**

**Resolution
Commemorating
325th Anniversary of
Incorporation of
Orange County
(Continued)**

**Resolution
Authorizing
Execution of
Agreement for Police
Coverage for Forest
of Fear for 2008
Season**

**Resolution
Granting Special
Permit for Operation
of Carnival Rides at
Forest of Fear for
2008 Season**

**Acknowledgment
of Filing of 2009
Tentative Town
Budget**

**Discussion of
Powerhouse
Property**

AGENDA ITEMS (Continued):

7. Discussion of Powerhouse Property (Continued)

The Town removed two stanchions at the Lucky Bridge to improve water flow, and the County has committed to replace the East Village Road bridge starting in 2009 with a streamlined design that will not include stanchions in the river.

Supervisor Dolan assured the residents that he is trying to lessen the flooding in the East Village. The removal of debris in the area will help to alleviate back pressure of water in the river. Also, at Supervisor Dolan's instruction the Building Inspector is finalizing paperwork to compel Orange & Rockland Utilities to remove a berm they created along the Ramapo which impedes water flow.

Councilperson Darling advised the public of his meetings with Army Corps of Engineers representatives who will study the Ramapo River from a point north of the Powerhouse down to the southern end of Contractors Road in an attempt to further resolve flooding.

OTHER BUSINESS:

Resolution Appointing Thomas J. Ogden as Part-Time Dispatcher

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Thomas J. Ogden as a Part-Time Police Dispatcher effective October 22, 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 Introducing Local Law entitled "Moratorium on Approvals for Wood-Burning Furnaces"

BE IT RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that an Introductory Local Law, entitled "Moratorium on Approvals for Wood-Burning Furnaces," be and it hereby is introduced by Supervisor Dolan before the Town Board of the Town of Tuxedo, County of Orange, State of New York; and be it

FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board; and be it

FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, One Temple Drive, in the Town of Tuxedo, New York at 7:30 p.m. on Monday, October 27, 2008; and be it

FURTHER RESOLVED that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least five (5) days prior thereto.

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

Resolution Opposing Reinstatement of Commuter Tax on Nonresidents of the City of New York

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

WHEREAS, nearly a decade ago, the New York State Legislature and Governor George E. Pataki repealed a tax on nonresidents of the City of New York who work within its five boroughs known as the Commuter Tax; and

**AGENDA ITEMS:
(Continued)**

**Discussion of
Powerhouse
Property
(Continued)**

OTHER BUSINESS:

**Resolution
Appointing
Thomas J. Ogden
as Part-Time
Dispatcher**

**Resolution
Introducing Local
Law entitled
"Moratorium on
Approvals for Wood-
Burning Furnaces"**

**Resolution
Opposing
Reinstatement of
Commuter Tax on
Nonresidents of the
City of New York**

OTHER BUSINESS (Continued):

Resolution Opposing Reinstatement of Commuter Tax on Nonresidents of the City of New York (Continued)

WHEREAS, the repeal of the Commuter Tax returned over \$500 million to approximately 400,000 New York commuters who reside primarily in Westchester, Nassau, Suffolk, Rockland, Orange, Dutchess and Putnam Counties; and

WHEREAS, Tuxedo residents have benefited substantially in the years since the commuter tax was repealed, as they have been able to keep more of their earnings, amounting to an average of \$500 per year; and

WHEREAS, in order to compensate for significant shortfalls in the budget in particular within the MTA members of the City Council of the City of New York have recently proposed reinstating the Commuter Tax; and

WHEREAS, the New York City Council is currently considering a proposal to reinstate the Commuter Tax that would levy a rate on earnings and wages higher than the rate of the Commuter Tax that was repealed in 1999; and

WHEREAS, hundreds of Tuxedo residents would be subject to a New York City Commuter Tax; and

WHEREAS, reinstating the Commuter Tax would serve as a deterrent for Tuxedo residents to continue to work in New York City; and

WHEREAS, Tuxedo residents are already burdened by high local, state and federal taxes;

NOW, THEREFORE, BE IT RESOLVED, that the Tuxedo Town Board does hereby oppose any reinstatement of a tax on nonresidents of New York City who work within its five boroughs known as the Commuter Tax; and be it

FURTHER RESOLVED, that this Board does hereby urge the New York State Legislature and Governor David Paterson to oppose any such reinstatement of the Commuter Tax; and be it

FURTHER RESOLVED, that this Board does hereby direct that this statement of will and intent be sent to and circulated among both Governor David Paterson and the members of the New York State Legislature.

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

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

BUDGET MODIFICATIONS:

There were no budget modifications.

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Tuxedo Reserve Amendment #3 to Special Permit

Responding to a questions from Mr. Jim Hays, Supervisor Dolan advised that public hearings regarding the captioned matter will not be scheduled until after the Town Board has received the recommendations of the Planning Board. Mr. Hays suggested that the Board study the differences in the

**OTHER BUSINESS
(Continued):**

**Resolution
Opposing
Reinstatement of
Commuter Tax on
Nonresidents of the
City of New York
(Continued)**

**BUDGET
MODIFICATIONS**

**PUBLIC
COMMENTS**

**Tuxedo Reserve
Amendment #3 to
Special Permit**

PUBLIC COMMENTS (Continued):

Tuxedo Reserve Amendment #3 to Special Permit (Continued)

financial impact, particularly those on taxes, as a result of the housing mix changes proposed under Amendment #3. He further recommended revisiting the specifications for Quail Road in light of the potential extra traffic, including tractor trailers, due to the applicant's proposed increase of commercial space from 3,000 square feet to 30,000.

Mr. Mary Graetzer urged the Town Board to consider scheduling workshops to review Amendment #3 as she feels there is a great deal to be learned in order for the Board to properly judge the project.

Tuxedo Local Development Corporation

Mrs. Graetzer questioned whether the Tuxedo Local Development Corporation has established a procedure for businesses to apply for loans. Supervisor Dolan replied that that and various matters will be discussed at a meeting of the LDC to take place in the next few weeks.

Supervisor Dolan asked for any further 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 1,335 through 1,488
General Fund Claim totaling \$212,628.22
Part-Town Fund Claim totaling \$21,128.12
Highway Town Wide Claim totaling \$14,427.86
Highway Part-Town Claim totaling \$24,108.40
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$7,169.52
Total abstract amount: \$310,413.12

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

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:55 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**PUBLIC COMMENTS
(Continued):**

**Tuxedo Reserve
Amendment #3 to
Special Permit
(Continued)**

**Tuxedo Local
Development
Corporation**

VOUCHERS

ADJOURNMENT