

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, October 27, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:38 p.m.

Town Board Members Present:        Mr. Peter M. Dolan                    Supervisor  
   Mr. Daniel Castricone                Councilperson  
   Mr. Gary Phelps                        Councilperson  
   Ms. Lisa Spivak                        Councilperson

Town Board Members Absent:        Mr. Thomas Darling                  Councilperson

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. David Maikisch, Building Inspector; Mr. Francis Peverly, Zoning Board of Appeals Chairman; and Mrs. Elaine M. Laurent, Town Clerk.

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

A public hearing was held to receive comments on Introductory Local Law entitled "Moratorium on Approvals for Outdoor Wood-Burning Furnaces," separate minutes of which have been prepared.

**MINUTES**

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 October 14, 2008, as submitted.

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

**MONTHLY REPORTS**

MONTHLY REPORTS

Supervisor Dolan acknowledged that, all Monthly Reports for September, 2008 having been received at the October 14, 2008 meeting, no reports were submitted at this meeting.

**PUBLIC COMMENTS ON AGENDA ITEMS**

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

**1. Town Supervisor/Town Board Update**

Town Supervisor/  
Town Board Update

• **2009 Town Budget Finalization**

2009 Town Budget  
Finalization

Supervisor Dolan advised that he has been working with Department Heads, the Town Bookkeeper and the Town Board to finalize the 2009 Town Budget.

• **Meeting with DEC Regional Director**

Meeting with DEC  
Regional Director

Supervisor Dolan advised that he will meet with the Regional Director of the NYS Department of Environmental Conservation this week to inspect the water retention system at the Highway facility and to inspect Alexander's Pond and formulate a procedure to eradicate the algae problem.

• **Reminder of Relocation of Election District #2 Polling Place**

Reminder of  
Relocation of Election  
District #2 Polling  
Place

Councilperson Castricone reminded the public that the polling place for Voting District #2, which encompasses the northern part of Town, has been relocated from the American Legion building in Southfields to the Sterling Forest Firehouse at the intersection of Long Meadow Road and Route 17A. A sign alerting residents of the move will be placed at the Legion building on election day before the polls open.

• **Opposition to Reinstitution of Commuter Tax on Nonresidents of NY City**

Opposition to  
Reinstitution of  
Commuter Tax on  
Nonresidents of NY City

Councilperson Castricone urged the public to call their representatives to oppose the reinstatement of the commuter tax on persons who work in but are not residents of New York City.

**AGENDA ITEMS (Continued):**

**2. Resolution Scheduling Public Hearing regarding 2009 Preliminary Town Budget**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby schedules a Public Hearing to hear comments on the 2009 Preliminary Town Budget at 7:30 p.m. on Monday, November 10, 2008 at the Town Hall.

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

**3. Resolution Scheduling Public Hearing regarding 2009 Hamlet Sewer Rates**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby schedules the Annual Public Hearing on Hamlet Sewer Charges on Monday, November 10, 2008 at 7:30 p.m. at the Town Hall.

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

**4. Resolution Scheduling Annual Public Hearing on Woodlands Sewer Rates**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby schedules a public hearing to be held on Monday, November 10, 2008 at 7:30 p.m. at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, to receive comments regarding sewer rates at the Woodlands.

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

**5. Tabled Resolution to Grant Special Sign Permit for Pet Store in Southfields**

After extensive discussion with the applicant, it was decided that this matter will be tabled until the applicant repaints the existing sign at her pet store in Southfields and a determination is made whether it is adequate.

**6. Resolution Consenting to Order Laying Out Highway to Create Easement on Contractors Road**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, upon review of the proposed Order Laying Out Highway for Contractors Road, and of the lands therein described to be released to the Town of Tuxedo and its Highway Superintendent for highway purposes, consent is hereby 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 be it

**FURTHER RESOLVED**, that the Town of Tuxedo accept ownership of or rights to the associated drainage improvements and easements, if any, as may be more specifically set forth therein.

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

**7. Resolution Appointing Town Supervisor as Claims Manager for 207-c Proceedings**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby appoints the Town Supervisor as the Claims Manager, as that term is defined and the duties thereof specified in the Collective Bargaining Agreement between the Town of Tuxedo and the Town of Tuxedo Police Benevolent Association, with respect to General Municipal Law 207-c proceedings.

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

**AGENDA ITEMS:  
(Continued)**

**Resolution  
Schedule Public  
Hearing regarding  
2009 Preliminary  
Town Budget**

**Resolution  
Scheduling Public  
Hearing regarding  
2009 Hamlet Sewer  
Rates**

**Resolution  
Scheduling Annual  
Public Hearing on  
Woodlands Sewer  
Rates**

**Tabled Resolution  
to Grant Special Sign  
Permit for Pet Store  
in Southfields**

**Resolution  
Consenting to Order  
Laying Out Highway  
to Create Easement  
on Contractors Road**

**Resolution  
Appointing Town  
Supervisor as Claims  
Manager for 207-c  
Proceedings**

**OTHER BUSINESS:**

**Resolution Granting Special Permit for Eagle Valley Fire Company Craft Fair**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, 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 for the Ladies Auxiliary of the Eagle Valley Fire Company to hold its annual Craft Fair on Sunday, November 2, 2008 from 9:00 a.m. to 5:00 p.m. at the Eagle Valley Firehouse and to place signs measuring 18" x 24" at various local roads throughout the town, except at intersections with State roads, to publicize the event; and be it

**FURTHER RESOLVED**, that all signs, route markings, trash and other paraphernalia be removed by the applicant immediately after the event.

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

**Resolution Granting Special Permit for Christmas Wreaths**

Mrs. Dale Mottola, President of the Tuxedo Chamber of Commerce, displayed an outdoor Christmas wreath with lights which the Chamber would like to hang on the existing brackets currently exhibiting the Farmers' Market and Chamber banners. She requested that the Board grant permission to replace the banners with the wreaths for the holiday season. The lights are solar powered and do not use electricity.

**RESOLVED**, motion made by Councilperson Phelps, seconded by Councilperson Castricone, that the Town Board hereby issues a special sign permit, for the period of November 1, 2008 through January 30, 2009, to the Tuxedo Chamber of Commerce to place lighted Christmas wreaths on the brackets currently displaying the Chamber of Commerce and the Farmers' Market banners.

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

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.

**Windmill-Powered Electricity Generation**

Mr. Romulus Chivu, a resident of the Woodlands, asked if the Town would consider entering into a contract, as the Village of Greenwood Lake has done, for the installation of windmills for electrical power generation. Supervisor Dolan noted that the Town has very little land and could probably not accommodate such an operation. Councilperson Castricone pointed out that there is nothing currently contained in the Town Code regarding this matter, but that it is something that has been and should continue to be given a lot of thought, particularly as we finalize the redraft of the Town Master Plan.

**Tuxedo Local Development Corporation**

In answer to a question from Mrs. Mary Graetzer, Supervisor Dolan advised that he has been attempting to coordinate a meeting of the Local Development Corporation, but conflicting schedules of the officers has caused a delay. The meeting will take place as soon as possible, and he will report further at the next Town Board meeting.

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

**OTHER BUSINESS:**

**Resolution  
Granting Special  
Permit for Eagle  
Valley Fire Company  
Craft Fair**

**Resolution  
Granting Special  
Permit for Christmas  
Wreaths**

**BUDGET  
MODIFICATIONS**

**PUBLIC  
COMMENTS**

**Windmill-Powered  
Electricity  
Generation**

**Tuxedo Local  
Development  
Corporation**

**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 1,489 through 1,546  
General Fund Claim totaling \$67,879.68  
Part-Town Fund Claim totaling \$11,146.18  
Highway Town Wide Claim totaling \$7,200.49  
Highway Part-Town Claim totaling \$8,809.09  
Tuxedo Refuse District Claim totaling \$-0-  
Hamlet Sewer District Claim totaling \$7,316.90  
Total abstract amount: \$102,352.34

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

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

**ADJOURNMENT**

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:47 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk