

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, November 10, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:40 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. Nils Gerling, Planning Board Chairman; Mr. Francis Peverly, Zoning Board of Appeals Chairman; Mr. Andrew Rogers, Zoning Board of Appeals Member; Mr. Christian Sonne, Town Historian; 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.

COMMEMORATION OF VETERANS

In commemoration of Veterans' Day, Councilperson Castricone asked all veterans in attendance to stand and be recognized for answering the call to serve and protect their fellow citizens and our country. The following servicemen rose to a standing ovation signifying deep gratitude for their great sacrifices and for defending the liberty we all cherish.

Nils Gerling
Gary Phelps
Andrew Rogers
Christian Sonne

PUBLIC HEARINGS

Public hearings were held to receive comments on the 2009 Preliminary Budget, 2009 Hamlet Sewer Rates and 2009 Woodlands Sewer Rates, separate minutes of which have been prepared.

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Public Hearing and Regular Bi-Monthly Meeting held on October 27, 2008, as submitted.

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

MONTHLY REPORTS

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

PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Although not an agenda item, Mr. Nils Gerling asked to address the meeting to express his thanks to the Police Chief and his staff for the frequent patrols by police officers to the polling places throughout election day.

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

COMMEMORATION OF VETERANS

PUBLIC HEARINGS

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

• **Tuxedo Local Development Corporation**

Supervisor Dolan advised that, due to the absence of a representative from Provident Bank, a quorum was not reached at a meeting of the LDC last week, and those in attendance met in an unofficial capacity. An informal discussion was held during which it was proposed that funding through the LDC be matching funds, and that funding be concentrated on the hamlet, which will be deemed the "downtown." In answer to a question from Councilperson Darling, Supervisor Dolan advised that a project deemed worthwhile in Southfields would be considered for funding. These and other matters will be discussed officially at a future meeting of the LDC.

• **DEC Approval of Water Quality Management Plan at Organic Recycling Facility**

Supervisor Dolan advised that he met with the NYS Department of Environmental Conservation Regional Director who inspected the water drainage and retention system at the mulch operation at the Highway Facility and approved its design and functioning, stating that the Town is in complete compliance with DEC regulations.

• **Powerhouse**

Supervisor Dolan advised that the Highway Department will be removing approximately four yards of dirt from the Powerhouse property to be replaced with sod.

• **Tuxedo Lake Dam**

Councilperson Darling advised that he wants to open up a dialogue with Village of Tuxedo Park officials regarding the dam on Tuxedo Lake. He has been able to glean that Tuxedo Park has been working on the dam, but he would like to be included in discussions. Councilperson Darling is concerned that, should the dam fail, it will have calamitous effects on the Town, particularly the East Village. Supervisor Dolan advised that he has a standing meeting each month with Deputy Mayor Jim Hays, who is the liaison between the Village and the Town. Supervisor Dolan invited Councilperson Darling to attend the next meeting to be held on Wednesday, November 12, 2008 at 8:30 a.m.

2. Resolution Adopting 2009 Final Town Budget

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

WHEREAS, the Town Board of the Town of Tuxedo held a Public Hearing on the 2009 Preliminary Budget on November 10, 2008;

BE IT RESOLVED, that the Town Board authorizes the following line item changes to the 2009 Preliminary Budget:

Fire Protection District - Appropriations

SF3410.4 - Tuxedo Joint Fire District - Increase by \$38,001.00 from \$754,248.00 to \$792,249.00

Fire Protection District - Revenues

SF2770- Tuxedo Joint Fire District - Decrease by \$38,000.00 from \$56,000.00 to \$18,000.00

AND BE IT FURTHER RESOLVED, that with the foregoing line item changes, the Town Board hereby adopts the 2009 Final Budget for the Town of Tuxedo on November 10, 2008.

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

AGENDA ITEMS:
**Town Supervisor/
Town Board Update**

*Tuxedo Local
Development
Corporation*

*DEC Approval of
Water Quality
Management Plan at
Organic Recycling
Facility*

Powerhouse

Tuxedo Lake Dam

**Resolution
Adopting 2009 Final
Town Budget**

AGENDA ITEMS (Continued):

3. Resolution Approving 2009 Woodlands Sewer Rates

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

WHEREAS, on October 2, 2000, the Woodlands Sewage Works Corporation (the "Corporation") applied to the Town for approval of its initial rates for sewage service in the amount of \$50.00 per month per unit, or \$300.00 semi-annually; and

WHEREAS, by resolution duly adopted on November 20, 2000, the Town Board determined such proposed rate as fair, reasonable and adequate; and

WHEREAS, except for a temporary increase in the years 2005 and 2006, rates charged by the Corporation remained unchanged in the years 2001, 2002, 2003 and 2004 and returned to the pre-2005 rates in 2007 and 2008; and

WHEREAS, on October 20, 2008, the Corporation submitted a request for approval of sewer rates for 2009 in the same amount as was charged in 2001, 2002, 2003, 2004, 2007 and 2008; and

WHEREAS, on November 10, 2008, a public hearing was held before the Town Board to receive public comments on the 2009 Woodlands Sewer Rates.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the Transportation Corporation Law §121, the Town Board hereby determines the following:

- (i) That the proposed rate of \$50.00 per month per unit is a fair, reasonable and adequate rate to provide service to the district;
- (ii) That the charges for service shall be billed semi-annually; that is, the sum of \$300.00 will be billed on January 1 and the sum of \$300.00 billed on July 1 in each year;
- (iii) That a \$50.00 late payment charge may be assessed for any payment not made within 30 days of its due date;
- (iv) That no changes to this rate structure shall be made without further action by the Town Board; and
- (v) That the Corporation resubmit its rates for review on or before September 1, 2009.

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

4. Resolution Appointing Robert Marsh, Sr. as Seasonal Plow Operator

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby appoints Robert Marsh, Sr. as a Seasonal Plow Operator, on an as-needed, on-call basis, effective November 17, 2008, at a salary rate of \$22.49 per hour, with no overtime, meal allowances or salary rate increases.

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

5. Resolution Granting Special Sign Permit for Library Banner

RESOLVED, motion made Supervisor Dolan, seconded by councilperson Spivak, that the Town Board hereby issues a special use sign permit, for the period of November 5, 2008 through November 29, 2008, to the Tuxedo Park Library for a sign measuring 24" x 48" to be placed above the front door of the library; PROVIDED, HOWEVER, that such sign be removed by November 29, 2008.

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

**Resolution
Approving 2009
Woodlands Sewer
Rates**

**Resolution
Appointing
Robert Marsh, Sr.
as Seasonal Plow
Operator**

**Resolution
Granting Special
Sign Permit for
Library Banner**

AGENDA ITEMS (Continued):

6. Resolution Authorizing Posting of Open Positions on ARB, Planning and Zoning Boards

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that, the Town Board hereby authorizes the Town Clerk to post and televise open position notices for Architectural Review Board, Planning Board and Zoning Board of Appeals members.

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

7. Resolution Adopting Local Law Entitled “Moratorium on Approvals for Outdoor Wood-Burning Furnaces”

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

WHEREAS, Introductory Local Law #3 of 2008 entitled, "Moratorium on Approvals for Outdoor Wood-Burning Furnaces," was introduced before the Town Board of the Town of Tuxedo on October 14, 2008, and, upon notice duly published and posted, a public hearing was held on October 27, 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 #3 of 2008 is hereby determined not to have a significant effect on the environment; and be it

FURTHER RESOLVED, that Introductory Local Law #3 of 2008 of the Town of Tuxedo be and hereby is adopted as Local Law #2 of 2008 of the Town of Tuxedo on November 10, 2008.

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

OTHER BUSINESS:

Redundant Streetlights

Mr. Andrew Rogers suggested that the Police Department complete a streetlight inventory to be used in verifying billing from Orange & Rockland Utilities and to indicate where redundant lighting exists. He feels that superfluous lights have been installed at Hamilton Estates. He also feels that the light at South Gate Road should be moved to the intersection from its present location at the Eagle Valley Minipark.

Hydroelectric Plant at Powerhouse

Mr. Rogers recommended that the Town Board undertake a feasibility study for hydroelectric power generation at the Powerhouse. Councilperson Darling will look into the matter.

Open House at Train Station

Mr. Dan Gladding of the Tuxedo Park Library Board of Directors reminded the public that an open house will be held at the Train Station to showcase the magnificent restoration work completed thus far. He noted that \$69,000 in donations has been collected over the past 30 days.

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

BUDGET MODIFICATIONS:

There were no budget modifications.

**AGENDA ITEMS:
(Continued)**

**Resolution
Authorizing Posting
of Open Positions on
ARB, Planning and
Zoning Boards**

**Resolution
Adopting Local
Law Entitled
“Moratorium on
Approvals for
Outdoor Wood-
Burning Furnaces”**

OTHER BUSINESS:

**Redundant
Streetlights**

**Hydroelectric Plant
at Powerhouse**

**Open House at
Train Station**

**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 1,547 through 1,554 and 1,556 through 1,623 (1,555 Void)
General Fund Claim totaling \$83,952.90
Part-Town Fund Claim totaling \$14,103.17
Highway Town Wide Claim totaling \$2,480.06
Highway Part-Town Claim totaling \$12,146.63
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$2,222.95
Total abstract amount: \$145,772.04

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

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:48 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**PUBLIC
COMMENTS**

VOUCHERS

ADJOURNMENT