

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, May 11, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:30 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: Larry Wolinsky, Esq., Town Counsel; Ms. Bonnie Franson, Town Planner; Mr. Jeff Marsden, Town Engineer; Mr. Daniel J. Carlin, Police Chief; Mr. Edward Pfizenmaier, Acting Superintendent of Highways; Mr. David Maikisch, Building Inspector; Mr. Andrew Rogers, Zoning Board of Appeals Member; Ms. Dale Mottola, Architectural Review Board 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 April 27, 2009, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for April, 2009 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 public concerning Agenda Items #2 and #3.

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

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

- **Little League Opening Day**

Supervisor Dolan reported that the May 2, 2009 Little League Opening Day was a tremendous success, with record-breaking attendance, and was thoroughly enjoyed by all who participated.

Supervisor Dolan remarked that the day included a moving remembrance of Kieran Murray, former Little League Board member and coach, who passed away this past January after a battle with brain cancer. Through the generosity and craftsmanship of Kris Matthews of Legacy Stoneworks, as well as the Board, a beautiful stone bench was dedicated in Kieran's memory. A written statement by Kieran's wife, Beth, and children, Kyle and Matthew, reads: "We could think of no better way to celebrate his continued presence in an organization he had such passion for. We hope the entire Tuxedo community, who has been so supportive, will enjoy the bench as much as we will."

- **Train Station - Parking Lot and Landscaping**

Supervisor Dolan advised that work continues on the train station parking lot, with reclamation of the macadam to occur this Thursday and paving to commence with a base coat next week. Landscaping at the station will be done soon as well, with all material and labor donated by Perfect Cut Tree Service.

MINUTES

MONTHLY
REPORTS

PUBLIC COMMENTS ON
AGENDA ITEMS

AGENDA ITEMS:

Town Supervisor/
Town Board Update

*Little League
Opening Day*

*Train Station - Parking
Lot and Landscaping*

AGENDA ITEMS (Continued):

2. Advice from Town Counsel on Procedures Subsequent to Town Board Receipt of Planning Board Report on Tuxedo Reserve 3rd Amendment to Special Permit

Town Counsel, Larry Wolinsky, provided a brief history of the project:

- November 15, 2004 - Town Board issuance of Special Permit
- Planning Board approval of large bulk subdivision of the land
- August 13, 2007 - Town Board approval of Special Permit Amendment #1 to include two additional parcels to facilitate access into the development, reduce the amount of cutting and filling along the portion of Quail Road nearest Route 17, and avoid vernal pools.
- December 11, 2007 - Planning Board conditional preliminary approval of Phase 1, Section 1 of the development (known as "Northridge")
- February 25, 2008 - Town Board approval of Special Permit Amendment #2 incorporating waivers, modifications and amendments with respect to revised layout of Northridge
- August 28, 2008 - Tuxedo Reserve filing of Application for Special Permit Amendment #3, requesting more wide-ranging and comprehensive amendments and a modified and refined plan.
- September 8, 2008 - Town Board referral of application to Planning Board
- April 14, 2009 - Planning Board issuance of "Tuxedo Reserve Application to Amend the Special Permit and Preliminary Plan: PID Report of the Tuxedo Planning Board to the Tuxedo Town Board."

Mr. Wolinsky then advised that the next steps for the Town Board to take in completing the processing of the current application consist of two major project review components: SEQRA and amendment of the Special Permit and development plan.

The foremost SEQRA consideration deals with environmental impacts of the projects changes and whether a Supplemental Environmental Impact Statement (SEIS) is required. The standard to be followed is to assess whether the project changes associated with the amendment will result in a specific adverse environmental impact not addressed, or inadequately addressed, in the original SEQRA review. The Planning Board has recommended an SEIS. If the Town Board determines that an SEIS is required, the applicant will be directed to prepare same. However, the SEIS will be limited in scope to the specific adverse impacts identified.

As regards the Special Permit, the Town Board must:

- Evaluate Changes to Preliminary Plan - Detailed in the Planning Board recommendations
- Evaluate Development Program Amendments - Phasing, etc., compared with original plan
- Evaluate Infrastructure Amendments - Economic and fiscal analyses
- Apply Criteria set forth in the Special Permit

Mr. Wolinsky suggested that the Town Board review the original SEQRA Findings Statement and original Special Permit, the current application, Technical Memorandum and relevant material developed for the Planning Board, and, most crucially, the Planning Board report of April 14, 2009 and all recommendations contained therein.

Once the foregoing review, which will include workshop sessions, has been completed, the Town Board can adopt its environmental determination; i.e., whether or not an SEIS will be required.

Supervisor Dolan next asked the public for comments. Mr. Andrew Berish commented on the revitalization funds paid by Tuxedo Reserve and administered by the Tuxedo Local Development Corporation. Mr. Steven Gross exhorted the Town Board to require the applicant to submit a cut-and-fill analysis.

Ms. Bonnie Franson, Town Planner, expressed her great admiration and respect for the Planning Board, with whom she worked over the last eight months in the review of the current application and preparation of the report to the Town Board. She noted that the Planning Board members committed extensive time, energy and expertise to provide a useful document, for which they deserve commendation.

**AGENDA ITEMS:
(Continued)**

**Advice from Town
Counsel on Procedures
Subsequent to Town
Board Receipt of
Planning Board Report
on Tuxedo Reserve 3rd
Amendment to Special
Permit**

AGENDA ITEMS (Continued):

3. Resolution Authorizing Advertisement of Request for Proposals for Use of Train Station

The Town Board reviewed the wording of the Request for Proposal and requested that it be broadened in scope.

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby authorizes the Town Clerk to advertise a Request for Proposals for conceptual plans for use of the Train Station, subject to revisions suggested by the Town Board, with proposals returnable by Thursday, June 18, 2009 at 3:00 p.m.

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

4. Resolution Granting Special Permit for Block Party on Ash Court in Maple Brook on May 30, 2009

RESOLVED, motion made by Councilperson Castricone, seconded by Supervisor Dolan, 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 allowing the closing to vehicular traffic and the conducting of a block party on Ash Court in the Maple Brook development, Tuxedo, NY, on Saturday, May 30, 2009 (or, in the event of inclement weather, on Sunday, May 31, 2009) beginning at 1:00 p.m.; and be it

FURTHER RESOLVED, that all signs, road barricades, trash and any other paraphernalia be removed by the residents immediately following the event.

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

5. Resolution Introducing Local Law Entitled, "Flood Damage Prevention"

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

BE IT RESOLVED, that an Introductory Local Law entitled "Flood Damage Prevention," be and it hereby is introduced by Supervisor Peter M. 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 Tuesday, May 26, 2009; 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]

6. Acknowledgment of Receipt of Liquor License Renewals for Taverns at Renaissance Faire

Supervisor Dolan acknowledged receipt of beer and wine license filings for the below-listed entities. The Police Department has confirmed that they have reviewed their records and have no objection to the licensing of these establishments. Accordingly, the Town will not file any opposition with the New York State Liquor Authority in connection with such filings.

1. Cock & Bull (formerly known as Fox & Hounds)
2. The Blue Boar Inn (formerly known as Merrimans Tavern)
3. Joust Pub
4. Gaming Glen
5. Hawker's Crossing
6. Puss & Boots (formerly known as Ploughman's Tavern)
7. Ye Rusty Knife
8. Matty Grove's Tavern

**AGENDA ITEMS:
(Continued)**

**Resolution
Authorizing
Advertisement of
Request for Proposals
for Use of Train
Station**

**Resolution
Granting Special Permit
for Block Party on Ash
Court in Maple Brook
on May 30, 2009**

**Resolution
Introducing Local Law
Entitled, "Flood
Damage Prevention"**

**Acknowledgment of
Receipt of Liquor
License Renewals for
Taverns at Renaissance
Faire**

AGENDA ITEMS (Continued):

7. Notification of Proposed Rate Increase for Natural Gas Delivery Service by Orange & Rockland Utilities

Supervisor Dolan notified the Public Service Commission (PSC) is seeking public comments concerning a proposal by Orange and Rockland Utilities to increase its annual natural gas delivery revenues. The deadline for submission of comments in Thursday, July 30, 2009. A fact sheet containing additional information about the case and procedures for providing comments, copies of which were provided to those in attendance at this meeting, are available at the Town Clerk's office, on the Town website, and on the PSC website, www.dps.state.ny.us.

8. Reminder of Memorial Day Parade/Library Picnic and Train Station Grand Opening- May 25, 2009

Supervisor Dolan reminded the public that the grand opening of the Train Station, sponsored by the Tuxedo Train Station Committee and the Friends of the Restoration Project, will take place following the Memorial Day Parade and Ceremonies on Monday, May 25, 2009. The parade will step off at 11:30 a.m. from the Tuxedo High School, followed by closing ceremonies at St. Mary's-in-Tuxedo Episcopal Church. The grand opening, which will coincide with the Library annual picnic, will take place at the train station beginning at 1:00 p.m. There will be activities for children, tastings from the Farmers' Market, and an open house tour of the renovated train station.

OTHER BUSINESS:

Resolution Appointing Summer Highway Workers

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby appoints Christopher A. McGrady and Peter C. Conklin as part-time, temporary Summer Workers with the Highway Department for the 2009 summer season, effective on dates to be determined by the Acting Highway Superintendent and at a salary rate of \$10.00 per hour, with no overtime, meal allowances or salary rate increases.

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

Recognition of Police Officer Girard Shiloh for Receipt of Officer of the Year Life Saving Award

Chief Carlin notified the Board that Police Officer Girard Shiloh received the Tuxedo Officer of the Year Life Saving Award at a ceremony held at the Orange County Government Center Police Memorial on May 9, 2009. Below is an excerpt from a memo written by Police Sergeant Patrick Welsh nominating Officer Shiloh for the award:

"There are several members of our department whose actions meet the criterion to be the officer of the year. After careful consideration, the action of Officer Girard Shiloh stood out from the rest.

"On August 25, 2008, at approximately 1720 hours, PO Shiloh was patrolling The Woodlands development and, while passing [a residence], he observed what appeared to be a person lying on the floor of the garage. When PO Shiloh approached the subject, he found him to be in the midst of an unknown type seizure. PO Shiloh immediately called for EMS and additional police units. PO Shiloh located the victim's medical bracelet and was able to determine the victim was a diabetic and was in serious diabetic shock. The victim also had a large and deep laceration of the head, which was a result of a fall. PO Shiloh tended to the victim's head wound as additional units and EMS arrived. Considering the victim's medical history and the amount of medication it took to stabilize the victim, the Medic on duty report that, if not for the actions of PO Shiloh, the victim surely would have succumbed to his seizure. For his actions, the Town of Tuxedo Police Department proudly presents the Life Saving Award to Officer Girard Shiloh."

**AGENDA ITEMS:
(Continued)**

**Notification of
Proposed Rate Increase
for Natural Gas
Delivery Service by
Orange & Rockland
Utilities**

**Reminder of Memorial
Day Parade/Library
Picnic and Train
Station Grand
Opening- May 25, 2009**

**Resolution
Appointing Summer
Highway Workers**

**Recognition of Police
Officer Girard Shiloh
for Receipt of Officer
of the Year Life Saving
Award**

OTHER BUSINESS (Continued):

Recognition of Police Officers David Decker and Daniel Sutherland for Excellent Police Work

Councilperson Castricone commended Police Officers David Decker and Daniel Sutherland for fine police work in an incident described as follows:

“What began as an observation by two off-duty tuxedo Police officers on May 8, 2009 in the parking lot of the Valero gas station in Southfields led to the arrest of a man and a woman on felon drug charges. According to a press release by Sgt. Patrick Welsh, Officers Decker and Sutherland called Police headquarters after observing suspicious activity around a vehicle parked at the gas station. When uniformed officers arrived, they saw a hypodermic needle and other drug paraphernalia in plain view inside the vehicle. When they searched the vehicle, they found more than 20 small bags containing a white powdery substance, which police said field-tested as cocaine. The subjects were arraigned at Monroe Court and sent to Orange County jail on \$15,000 bail each, pending a future court date.”

Noting an additional achievement of Officer Decker, Chief Carlin informed the Board that Officer Decker, using his keen observation skills, uncovered a massive hallucinogenic mushroom cache, leading to arrests for possession with intent to sell, the largest such arrests in Orange County history.

The Town Board and all present at the meeting applauded these Police Officers for their outstanding skills.

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

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Upcoming Community Events

Mrs. Dale Mottola, President of the Tuxedo Chamber of Commerce, advised of the following upcoming events:

Saturday, May 16, 2009
Community Garage Sale - 10:00 am. to 2:00 p.m.
Rand Realty Parking Lot, Route 17
Benefiting Sloatsburg Food Pantry
Sponsored by Rand Realty and Tuxedo Chamber of commerce

Saturday, May 16, 2009
Community Garage Sale - 10:00 a.m. to 3:00 p.m.
St. Mary's-in-Tuxedo Episcopal Church Parking Lot
Benefiting CARRYOU Ministry
Sponsored by St. Mary's-in-Tuxedo

Saturday, June 6, 2009
Rock the Mountain Music & Arts Festival - 12:00 noon to 10:00 p.m.
Tuxedo Ridge Ski Center
Benefiting Spectrum for Living

Street Light Survey

Mr. Andrew Rogers suggested that the Town undertake a street light survey to verify that no redundant lights exist and that O&R is accurately charging the Town. Supervisor Dolan directed Chief Carlin to perform the survey.

**OTHER BUSINESS:
(Continued)**

**Recognition of Police
Officers David Decker
and Daniel Sutherland
for Excellent Police
Work**

**PUBLIC
COMMENTS:**

**Upcoming
Community
Events**

Street Light Survey

PUBLIC COMMENTS (Continued):

Hydro-Electric Plant

Mr. Rogers informed the Board that he has learned that the Village of Cornwall is conducting a feasibility study for a small hydro-electric power plant in preparation of seeking a grant for the construction of such a plant. Councilperson Darling will investigate the matter in terms of the Town's behalf.

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

BUDGET MODIFICATIONS:

There were no budget modifications.

VOUCHERS

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers 616 through 696
General Fund Claim totaling \$78,234.54
Part-Town Fund Claim totaling \$22,343.87
Highway Town Wide Claim totaling \$4,318.35
Highway Part-Town Claim totaling \$405.60
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$2,106.69
Total abstract amount: \$138,360.05

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

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:50 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**PUBLIC COMMENTS
(Continued):**

Hydro-Electric Plant

**BUDGET
MODIFICATIONS:**

VOUCHERS

ADJOURNMENT