

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, July 27, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:45 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; Messrs. Daniel J. Carlin and John P. Norton, Police Chief and Police Sergeant, respectively; Mr. Edward Pfizenmaier, Acting Superintendent of Highways; Ms. Dale Mottola, Architectural Review Board Member; Mr. Clifford Loncar, Zoning Board of Appeals Member; Mr. David Maikisch, Building Inspector; and Mrs. Elaine M. Laurent, Town Clerk.

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

MINUTES

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on June 22, 2009, as submitted.

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

MONTHLY REPORTS

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for June, 2009 from the Dog Control Officer, the Justice Court (2), the Police Department and the Town Clerk.

PUBLIC COMMENTS ON AGENDA ITEMS

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Supervisor Dolan asked for public comments on agenda items.

Tuxedo Reserve Supplemental Environmental Impact Statement (EIS)

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Although not an agenda item, Mr. Ulrich Pendl of Tuxedo Park asked for an update on the Town's hiring of an expert consultant to complete an analysis of the fiscal information in the soon-to-be submitted Tuxedo Reserve SEIS. Mr. Andrew Dance, project manager for Tuxedo Reserve, addressed this and other topics in an impromptu progress report, a synopsis of which appears below as a separate item.

Train Station Request for Proposals

Train Station Request for Proposals

In answer to a question from Ms. Mary Graetzer of Tuxedo Park, Supervisor Dolan advised that the Town received three responses to its Request for Proposals for use of the train station. The proposals, which are for morning coffee/breakfast foods service, will be discussed in Executive Session at this meeting because the personal and business financial records of the applicants will be reviewed. Ms. Graetzer asked that the Board conduct discussions, excluding personal information, in open meeting so that the public can be aware of the selection proceedings.

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

PROGRESS REORT ON TUXEDO RESERVE DSEIS

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Mr. Dance stated that Tuxedo Reserve is preparing a draft SEIS, including a fiscal analysis, pursuant to the Town Board's resolution of June 22, 2009, and is working through all the components required by

PROGRESS REORT ON TUXEDO RESERVE DSEIS (Continued)

the Town Board and conducting ongoing reviews with the Town's consultants. Tuxedo Reserve's consultants, Allee King Rosen & Fleming, are preparing the fiscal analysis and updating the figures contained in the 2002 Final EIS.

Mr. Dance anticipates that the draft SEIS will be finalized and submitted by this Thursday morning, June 25, 2009, after which the Town Board and its consultants will review it for completeness purpose and then, upon declaring it complete, conduct public review.

Mr. Pendl stated his opinion that the Town should have its own separate consultant review the fiscal analysis rather than relying on the applicant's firm; otherwise, it is comparable to hiring a fox to watch the henhouse.

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

• **Algae Control at Alexander's Pond**

Supervisor Dolan advised that the Town is stocking Alexander's Pond with algae-consuming carp this week and has applied to the DEC for a permit to introduce copper sulfite into the pond.

Paving- Train Station Parking Lot and Townwide

The train station parking lot will receive a final paving course and striping this week. The Highway Department is continuing its paving activities on streets throughout the town.

• **Water Quality Issues in Maplebrook**

Councilperson Castricone advised that he is attempting to meet with United Water representatives concerning poor water quality in the Maplebrook development. A resident has received an independent water analysis that indicates high magnesium levels and turbidity off the charts. Of particular concern is the effect Tuxedo Club's water use may have on the Maplebrook system.

• **Speeding in Maplebrook**

Councilperson Castricone advised of recent incidents, including a car crash, associated with excessive speed by drivers in Maplebrook. He would like speed bumps installed; Mr. Pfizenmaier will research the legality of installation and pricing.

2. Recognition of Connor Briggs for Earning Rank of Eagle Scout

Connor Briggs of Troop 46 in Tuxedo earned the rank of Eagle Scout and celebrated with a Court of Honor ceremony on June 6. Connor just completed his freshman year at St. Joseph Regional High School in Montvale, N.J. His Eagle Scout project involved the renovation and remodeling of a second-floor loft room at Grace Baptist Church in Ramsey, N.J. He organized a team of volunteers in sheet rocking, wood trim work, painting and decorating of the loft room. This also included new floor installation, masonry and electrical repairs. Now that the room has been completed, it is being utilized by the church to provide a number of outreach programs such as youth ministry and Sunday school instruction. As a member of Grace Baptist Church, Connor saw the need for the renovation of this room and undertook this venture as his Eagle Scout project. He was able to fund this project in three parts. First, through church member donations; second, through a bottle deposit collection program; and third, with the help of donations from the following businesses: H&H Painting, the Mahwah Home Depot, Tom D'Ercole Masonry, Tom Lorentz & Sons Flooring and the Eagle Valley Renovation and Construction Company. He also was able to feed the workers through donations from ShopRite and Sal's Pizza of Ramsey, N.J. Connor is the son of Mark and Nancy Briggs of Eagle Valley in Tuxedo.

**PROGRESS REORT
ON TUXEDO
RESERVE DSEIS
(Continued)**

AGENDA ITEMS:

**Town Supervisor/
Town Board Update**

*Algae Control at
Alexander's Pond*

*Paving- Train Station
Parking Lot and
Townwide*

*Water Quality Issues
in Maplebrook*

Speeding in Maplebrook

**Recognition of Connor
Briggs for Earning
Rank of Eagle Scout**

AGENDA ITEMS (Continued):

3. Resolution Determining the Validity of a Petition for a Proposition to Increase the Budgetary Allocation for the Tuxedo Park Library to be Included on the November 3, 2009 Ballot

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

WHEREAS, the Town Board is the entity which can vote on such taxes unless the procedures for petition in subsection b(1) are implemented; and

WHEREAS, the Town Board has received and reviewed a petition pursuant to Education Law §259(1)(b)(1), which Petition has been endorsed by the Board of Trustees of the Library; and

WHEREAS, the Petition has been reviewed by Town officials.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Tuxedo, Orange County, New York, as follows:

1. The Petition is properly executed by qualified voters in excess of 10% of the total number of votes cast in the Town of Tuxedo for governor at the last gubernatorial election and has been properly endorsed by the Board of Trustees of the Tuxedo Park Library;

2. The Town Clerk is directed to forward an abstract of the proposition annexed hereto to the County Board of Elections so the same may be set forth on the ballot of the next general election of the Town of Tuxedo on November 3, 2009; and

3. If such proposition is approved by the majority of the voters voting thereon at the general election, the amount so authorized shall be the budgetary appropriation for the next Town Budget adopted subsequent to such election pursuant to § 259(1)(b)(1).

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

4. Resolution Appointing Corrina M. Irizarry and Joseph Russo as Part-Time Police Dispatchers

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby appoints Corrina Irizarry and Joseph J. Russo as a Part-Time Police Dispatchers effective as of June 16, 2009 and July 9, 2009, respectively, both 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]

5. Resolution Appointing Janet Maldonado as Temporary, Part-Time Recreation Clerk

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Janet Maldonado as Temporary, Part-Time Recreation Clerk effective as of June 24, 2009 at a salary rate of \$8.00 per hour.

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

6. Resolution Exercising Extension #1 of Moratorium on Outdoor Wood Burning Furnaces

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

WHEREAS, the Town Board of the Town Tuxedo duly adopted Local Law #3 of 2008, entitled "Moratorium on Approvals for Outdoor Wood-Burning Furnaces," on November 10, 2008; and

**AGENDA ITEMS:
(Continued)**

**Resolution
Determining the
Validity of a Petition
for a Proposition to
Increase the Budgetary
Allocation for the
Tuxedo Park Library
to be Included on the
November 3, 2009
Ballot**

**Resolution
Appointing
Corrina M. Irizarry
and Joseph Russo as
Part-Time Police
Dispatchers**

**Resolution
Appointing
Janet Maldonado as
Temporary, Part-Time
Recreation Clerk**

**Resolution
Exercising Extension
#1 of Moratorium on
Outdoor Wood
Burning Furnaces**

AGENDA ITEMS (Continued):

6. Resolution Exercising Extension #1 of Moratorium on Outdoor Wood Burning Furnaces (Continued)

WHEREAS, the Town Board is diligently endeavoring to conclude its considerations and adopt changes to its land use regulations to address this new issue in conjunction with the comprehensive plan, pursuant to such local law; and

WHEREAS, such local law provides that the moratorium may be extended by three (3) additional periods of up to three (3) months each by resolution of the Town Board upon a finding of the necessity for such extension; and

WHEREAS, the Town Board finds it necessary to extend such moratorium to accommodate the finalization of the aforementioned land use regulations.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 3(b) of Local Law #3 of 2008, "Moratorium on Approvals for Outdoor Wood-Burning Furnaces," the Town Board hereby exercises Extension Period #1 for a period of three months, ending on November 10, 2009.

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

7. Tabled Resolution to Award Bid for Truck & Chassis-Mounted Combination Sewer Jet and Catch Basin Cleaner

This item as tabled until a future meeting.

8. Resolution Approving Settlement of Specialized Realty Tax Certiorari

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

WHEREAS, Specialized Realty Services, LLC has commenced tax certiorari proceedings against the Town of Tuxedo in the Supreme Court of the State of New York, County of Orange, for the 2008-09 and 2009-10 tax assessment years, bearing Orange County Index Number 7927/08; and

WHEREAS, it appears from the recommendation of Gregory G. Stevens, Town Assessor, and John H. Thomas, Jr., Esq. of Jacobowitz and Gubits, counsel for the Town in the aforesaid proceedings, upon a thorough investigation of the claims, that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Specialized Realty Services, LLC are willing to settle these proceedings, without interest, cost or disbursement, in the following manner:

1. That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced from \$92,800 to a total amount of \$42,000 for tax map no. 1-1-28;
2. That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced from \$43,500 to a total amount of \$16,000 for tax map no. 1-1-29;
3. That the proceeding for the 2008-09 tax year be confirmed at an assessment of \$7,250 and that there be no change in that assessment for tax map no. 1-1-35.1;
4. That the proceeding for the 2009-10 tax year be compromised and settled by the assessment being reduced from \$92,800 to a total amount of \$42,000 for tax map no. 1-1-28;

**AGENDA ITEMS:
(Continued)**

**Resolution
Exercising Extension
#1 of Moratorium on
Outdoor Wood
Burning Furnaces
(Continued)**

**Tabled Resolution to
Award Bid for Sewer
Jet/Catch Basin
Cleaner**

**Resolution
Approving Settlement
of Specialized Realty
Tax Certiorari**

AGENDA ITEMS (Continued):

8. Resolution Approving Settlement of Specialized Realty Tax Certiorari (Continued)

5. That the proceeding for the 2009-10 tax year be compromised and settled by the assessment being reduced from \$43,500 to a total amount of \$16,000 for tax map no. 1-1-29;

6. That the proceeding for the 2009-10 tax year be confirmed at an assessment of \$7,250 and that there be no change in that assessment for tax map no. 1-1-35.1;

7. That the petitioners' real property taxes for the 2008-09 and 2009-10 School taxes, and for the 2009 and 2010 State, County and Town taxes, be adjusted accordingly, and that petitioners be reimbursed for any overpayment without interest, if paid within sixty (60) days) of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be.

NOW, THEREFORE, BE IT RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to §68 of the Town Law, and be it

FURTHER RESOLVED, that Gregory G. Stevens and John H. Thomas, Jr., Esq., be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law.

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

9. Resolution Authorizing Highway Department to Remedy Hazardous Conditions of Vegetation Overgrowth at Corner of One Brandy Hill Road and Charge Cost of Homeowner

Supervisor Dolan advised that the Building Department received a complaint from a resident on Brandy Hill Road that grass and weeds at a neighboring property are so severely overgrown that they block sight distances when attempting to turn onto Route 17. Unfortunately, the resident provided an incorrect address, and the Building Department sent a violation letter to 2 Brandy Hill. A letter will be sent out immediately to One Brandy Hill. In the meantime, the Highway Department will trim the property.

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Highway Department is hereby authorized to trim the vegetation overgrowth at 1 Brandy Hill Road and that, if the homeowner allows the condition to recur in the future, necessitating the Highway Department's involvement, any charges associated therewith shall be charged to the homeowner.

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

OTHER BUSINESS:

MOMENT OF SILENCE HONORING MEMORY OF ANDY ARMENTANI

Councilperson Castricone memorialized Town resident Andy Armentani, who passed away on July 20, 2009 at the age of 84. A moment of silence was held to honor his memory.

Andrew J. Armentani, 84, of Tuxedo, NY passed away on Monday July 20, 2009. He was born on March 24, 1925 in New York City to John and Jennie D'Allesandro Armentani. He proudly served his country in the US Navy during WWII serving in the Philippines. Andrew worked as a cameraman for ABC Television for 42 years, where he was a 6 time Emmy award winning cameraman for ABC for his work in Wide World of sports including several Olympic Games and all the Monday night football games. His co-workers gave him the nickname "Super Eye". His career started in 1952 where he worked in television until he retired in 1992. AJ was a member of the Italian American Club-H H Rogers/ Cabrini Lodge OSIA #1353, the VFW Post # 6765 in Wanaque, NJ. He was a parishioner of St. Joan of Arc Church. He leaves behind many close relatives and friends. Donations can be made in Andrew's memory to St. Joan of Arc Church, 32 Eagle Valley road, Sloatsburg, NY 10974 or The VFW Post # 6765 Wanaque, NJ, or Italian American Club H.H. Rogers/ Cabrini Lodge OSIA # 1353, Tuxedo Park, NY 10987.

**AGENDA ITEMS
(Continued):**

**Resolution
Approving Settlement
of Specialized Realty
Tax Certiorari
(Continued)**

**Resolution
Authorizing Highway
Department to Remedy
Hazardous Conditions
of Vegetation Over-
growth at Corner of
One Brandy Hill Road
and Charge Cost of
Homeowner**

OTHER BUSINESS:

**MOMENT OF
SILENCE
HONORING
MEMORY OF
ANDY ARMENTANI**

OTHER BUSINESS (Continued):

Sewage Treatment Plants

Laurel Ridge resident Helmut Nimke submitted a "syllabus on Sewage Treatment Plants" to the Board. This was a follow up to his April 29, 2009 letter to the Town Board and several articles in the *Times Herald Record*.

Update on Cell Towers

Councilperson Darling reported that he is working with Town Counsel to clarify certain provisions of a cell tower contract and will provide a finalized document at an upcoming meeting.

Resolution Authorizing Study on Hydroelectric Power Plant

Councilperson Darling reported that he has further researched the possibility of installing a micro-hydroelectric plant on the Ramapo River. Representatives from Windsor Machinery can perform a feasibility study similar to that done for the Village of Cornwall-on-Hudson. Councilperson Darling proposed that the Town spend no more than \$1,500 for such a study. Supervisor Dolan suggested that commissioning a study and expending funds should be postponed until the Town learns whether its grant application for alternative energy programs has been awarded. Councilperson Spivak concurred with deferring a decision until the grant is awarded.

RESOLVED, motion made by Councilperson Darling, seconded by Councilperson Castricone, that the Town Board hereby authorizes the commissioning of a feasibility study by Windsor Machinery Company Inc. of 16 Orbit Lane, Hopewell Junction, NY, 12533, on the feasibility of installing a micro-hydroelectric generating plant on the Ramapo River, at a cost not to exceed \$1,500.

Adopted: AYES: [3] NAYS: [2-Supervisor Dolan and Councilperson Spivak] ABSENT: [0]

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

PUBLIC COMMENTS:

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

BUDGET MODIFICATIONS:

There were no budget modifications.

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 903 through 966
General Fund Claim totaling \$53,682.65
Part-Town Fund Claim totaling \$25,277.59
Highway Town Wide Claim totaling \$8,827.95
Highway Part-Town Claim totaling \$2,890.40
Tuxedo Refuse District Claim totaling \$0-
Hamlet Sewer District Claim totaling \$1,521.04
Total abstract amount: \$92,199.63

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

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

**OTHER BUSINESS
(Continued):**

**Sewage Treatment
Plants**

Update on Cell Towers

**Resolution
Authorizing Study on
Hydroelectric Power
Plant**

PUBLIC COMMENTS

**BUDGET
MODIFICATIONS:**

VOUCHERS

**REGULAR BI-MONTHLY MEETING
TOWN OF TUXEDO TOWN BOARD
JULY 27, 2009**

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EXECUTIVE SESSION:

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Darling, to recess to executive session at 8:55 p.m. to discuss contract negotiations and financial conditions of respondents to Train Station Request for Proposals.

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

The Board reconvened the regular meeting at 9:37 p.m.

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:37 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**EXECUTIVE
SESSION**

ADJOURNMENT