

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Tuesday, May 14, 2007 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:35 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Andrew L. Siegel	Councilperson
	Ms. Lisa Spivak	Councilperson
Town Board Members Absent:	Ms. Francine Rauch	Councilperson

Other Town Officials Present: Donald G. Nichol, Esq.; Town Counsel; Mr. David Gannon, Police Lieutenant; Mr. Glen LaBar, Highway Department; Messrs. Brian Sullivan and Andrew Rogers, Zoning Board of Appeals Members; Mr. David Maikisch, Building Inspector; and Mrs. Elaine M. Laurent, Town Clerk.

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

A moment of silence was held honoring the memory of Lawrence McEown, former Tuxedo Police Sergeant, who passed away April 26, 2007 at age 60. Larry worked for the Town for 20 years, from 1971 until his retirement in 1991, beginning as a police officer and then being promoted to Sergeant. He also served as Acting Police Chief from 1988 to 1989. Larry's dedicated service to the Town is well remembered and greatly appreciated.

**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 23, 2007 and the Special Meeting held on April 26, 2007, as submitted.

**Adopted:** AYES: [ 3 ] NAYS: [ 0 ] ABSENTEES: [ 1 ] ABSTENTION: [ 1-Councilperson Castricone]

**MONTHLY REPORTS**

Supervisor Dolan acknowledged receipt of the Monthly Reports for April, 2007 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. There were none.

**AGENDA ITEMS:**

**1. Recognition of Andy Berish for Award as Orange County Senior of the Year**

On May 8, 2007, Andy Berish received a Certificate presented by the New York State Office for the Aging as Orange County Senior Citizen of 2007. The Tuxedo Town Board considers this a well-deserved tribute to Andy. The Town Board has long recognized and appreciated Andy for his contributions to the Silver Dollars and to the community and for volunteering his time and talents. Below is the nominating statement submitted in support of Andy's receipt of this honor.

*Fortunately for the senior citizens of tuxedo, Andrew Berish is in their corner. He is the President of the Silver Dollars Senior Club and, as such, organizes luncheons, parties, programs, extended trips, day trips and outings. In addition, he is an active member of the Orange County senior Council, enthusiastically helping with fundraising and generously supporting his fellow Club Presidents with help and advice.*

*In addition to all this recreation activity, Andy serves as the "go-to guy" for any Tuxedo senior who needs help. Andy will advocate for the senior and help locate the proper resources to address whatever problem is presented. Since Tuxedo is rather distant from many services, Andy's advocacy and assistance is of special value to his community. His energy, enthusiasm and leadership amply qualify him for the "Senior Citizen of the Year."*

**MINUTES**

**MONTHLY REPORTS**

**PUBLIC COMMENTS ON AGENDA ITEMS**

**AGENDA ITEMS:  
Recognition of  
Andy Berish for  
Award as Orange  
County Senior of the  
Year**

**AGENDA ITEMS (Continued):**

**2. Supervisor/Town Board Update**

• **Opening Ceremonies at Tichy Field**

Supervisor Dolan advised that the ceremony marking the grand opening of Tichy Field and opening day of the Tuxedo Little League was well attended and a resounding success.

• **Courtroom Security**

Supervisor Dolan advised that, in addition to the Court Officer hired last year, other measures to augment security in the courtroom, such as safety glass partitions and working panic buttons, will be implemented in the courtroom and the court clerks' office.

• **Murphy Field**

Supervisor Dolan advised that Snickers/Sam's Club are donating a concession stand at Murphy Field.

• **Receipt of Grant Funds from Assemblywoman Annie Rabbitt**

Supervisor Dolan advised that Assemblywoman Annie Rabbitt has secured grant funds totaling \$4,524 for the Tuxedo Silver Dollars Senior Citizen organization, who graciously turned the funds over to the Town for help in financing the refurbishing of the train station.

• **Receipt of Grant Funds from Senator Tom Morahan**

Supervisor Dolan advised that senator Tom Morahan has secured grant funds in the amount of \$12,000 for sports field maintenance, \$47,000 for paving at Murphy Field, \$11,770 for a camera to detect sewer debris, \$35,000 for highway vehicles, \$15,000 for Police radios and \$17,000 for night scopes for Police vehicles..

**3. Resolution to Award Bids for Sale of Used Highway Vehicles**

The following bids were received on Thursday, May 3, 2007 for the used highway vehicles indicated:

<u>BIDDER NAME</u>	1997	1983	1982
	<u>Ford F350 Pickup w/Plow</u>	<u>GMC K30 Dump Truck</u>	<u>Chevrolet C30 Dump w/Landscape Body</u>
Steve Kahrs, Pomona, NY	<u>\$3,500.00</u>	<u>          --</u>	<u>          --</u>
Frank Shelbo, Washingtonville, NY	<u>\$1,001.00</u>	<u>          --</u>	<u>          --</u>
Chris Simonetty, Wappingers Falls, NY	<u>\$ 619.00</u>	<u>      \$226.00</u>	<u>      \$156.00</u>
Carol Noha, Warwick, NY	<u>\$ 875.00</u>	<u>      \$375.00</u>	<u>      \$150.00</u>
Erik Johnson, Central Valley, NY	<u>\$1,010.00</u>	<u>      \$350.00</u>	<u>      \$350.00</u>
Albert D. Crawford, Middletown, NY	<u>          --</u>	<u>      \$953.15</u>	<u>          --</u>
North White Plains Auto Inc	<u>\$1,501.00</u>	<u>      \$401.00</u>	<u>      \$251.00</u>

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Siegel, to inform the below-listed companies that they are the highest bidders on the used Highway vehicles described below, and that the Town Board accepts their bids for such vehicles, in as-is condition, in the amounts indicated next to their names:

<u>Bidder Name</u>	<u>Bid Amount</u>	<u>Vehicle Description</u>
Steve Kahrs, Pomona, NY	\$3,500.00	1997 Ford F30 w/Plow VIN 3FTHF36FXVMA23689
Albert D. Crawford, Middletown, NY	\$ 953.15	1983 GMC K30 Dump VIN 1GDHK34M1DV503150
Erik Johnson, Central Valley, NY	\$ 350.00	1982 C30 Dump w/Landscape Body VIN 1GBHC34M90V123915

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

**AGENDA ITEMS  
(Continued)**

**Supervisor/Town  
Board Update**

***Opening Ceremonies  
at Tichy Field***

***Courtroom Security***

***Murphy Field***

***Receipt of Grant  
Funds from  
Assemblywoman  
Annie Rabbitt***

***Receipt of Grant  
Funds from Senator  
Tom Morahan***

**Resolution  
to Award Bids for  
Sale of Used Highway  
Vehicles**

**AGENDA ITEMS (Continued):**

**4. Resolution Approving Form of Petition to Raise Library Taxes**

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

**WHEREAS**, the Town of Tuxedo is an authority named in Education Law §255, which, pursuant to Education Law §259(1)(a), may levy library taxes ; and

**WHEREAS**, Education Law §259(1)(b)(1) provides a mechanism by which qualified voters in a number equal to at least ten percent (10%) of the total number of votes cast in the Town with the Governor at the last Gubernatorial Election may petition and the Library Board of Trustees shall endorse the question increasing the amount of funding of the annual contribution to the operating budget of a free association library to a sum specified in the petition, which shall be voted on in the next general election of such municipality upon due notice; and

**WHEREAS**, Town Law Article VII sets forth the procedures for permissive referendum in the Town; and

**WHEREAS**, the Library Board of Trustees of the Tuxedo Park Library has submitted a proposed form of petition and requested approval thereof; and

**WHEREAS**, the Town Counsel has reviewed the form and reported to the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Tuxedo, Orange County, New York, that the form of petition as submitted is hereby approved.

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

**5. Resolution to Establish Performance Bond for Benjamin Meadow Road Development**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, pursuant to the recommendation of the Town Planning Board made by resolution at its May 9, 2006 meeting and confirmed by the Town Engineer in his memorandum dated May 2, 2006, and subject to the review and approval of the Town Counsel, the Town Board hereby approves the establishment of a Subdivision Performance Bond to be posted by Torsoe Enterprises Inc. for public improvements in the Benjamin road Subdivision in the amount of \$65,000.00, exclusive of the Town Engineer's inspection fee of \$2,600.00 and the Recreation Fee of \$6,000, which shall be paid in full when due.

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

**6. Resolution to Authorize Return of Performance Bond for Buddhist Center on Route 17A**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, pursuant to the May 2, 2007 recommendation of the Building Department and their issuance of Certificate of Occupancy #1844 dated March 23, 2007, the Town Board hereby authorizes the Town Clerk to return the \$114,900.00 Performance Bond provided by Nungin Sunwon USA, Inc. for improvements to their property located at 371 Route 17A in Tuxedo.

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

**7. Resolution Granting Special Sign Permit for Sons of Italy Scholarship Fundraising Dinner - 06/03/07**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby issues a special sign permit, for the period commencing Tuesday, May 29, 2007 and ending Sunday, June 3, 2007, to the H. H. Rogers Cabrini Lodge, Sons of Italy, for a maximum of three (3) sandwich board-style signs measuring up to 2' x 4' to be placed at the following locations to publicize its Scholarship Fundraiser Dinner to be held on June 3, 2007: Intersection of East Village road and Route 17, Curbside near the Train Station Parking Lot and Curbside near the Ambulance Corps Building.

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

**AGENDA ITEMS  
(Continued)**

**Resolution  
Approving Form of  
Petition to Raise  
Library Taxes**

**Resolution  
to Establish  
Performance Bond  
for Benjamin  
Meadow Road  
Development**

**Resolution  
to Authorize Return  
of Performance Bond  
for Buddhist Center  
on Route 17A**

**Resolution  
Granting Special  
Sign Permit for Sons  
of Italy Scholarship  
Fundraising Dinner -  
06/03/07**

**AGENDA ITEMS (Continued):**

**8. Resolution to Grant Special Sign Permit to Compass Point Realty for Sign at 655 Sterling Mine Road**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, pursuant to Section 79-6 of the Town Code of the Town of Tuxedo, the Town Board hereby grants a Special Sign Permit to Roman and Arletta Uszynski, d/b/a A.B.S. Atlantic LLC, to allow Compass Point Realty, Inc. to place a two-sided sign measuring 4' by 8' for the period of May 15, 2007 through September 15, 2007, to advertise the availability of rental space at the Sterling Mine Court retail/office plaza located at 655 Sterling Mine Road, Tuxedo; and be it

**FURTHER RESOLVED**, that the applicant is hereby directed to complete and file a Sign Permit with the Tuxedo Building Department.

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

**9. Reminder of Ambulance Corps Fundraising Dinner/Dance at Tuxedo Ridge - 05/19/07**

The Ambulance Corps *Golden Hour Dinner Dance* to celebrate its 50<sup>th</sup> Anniversary and to raise funds for a new ambulance will be held on Saturday, May 19, 2007 at Tuxedo Ridge Ski Center commencing at 6:30 p.m.

**10. Reminder of Community Picnic at Library Following Memorial day Parade - 05/28/07**

The Memorial Day Community Picnic will be held on Monday, May 28, 2007 from 12:00 noon to 2:30 p.m. Music, games, food, Paul the Magic Clown and face painting are some of the planned activities.

**OTHER BUSINESS:**

**Resolution Appointing HSBC Bank USA as an Official Depository for the Town**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints HSBC Bank USA, National Association (HSBC) as an official depository for the Town of Tuxedo and, subject to the review and approval of Town Counsel, hereby authorizes Town Supervisor Peter M. Dolan, Deputy Supervisor Lisa Spivak and Town Councilwoman Francine Rauch to execute the Municipal Resolution, Collateral Pledge and Control Agreement and Amendment thereto, and the Signature Cards to effectuate such appointment, such documentation having been provided by HSBC and filed in the Town Clerk's office.

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

**Recognition of Scholar/Athlete Katelvn McQuade**

At Councilperson Castricone's request, the below letter was sent to Katelvn McQuade in recognition of her achievements as Captain of the Tuxedo Volleyball team as well as her attainment of a 3.85 grade point academic average.

*Dear Katelvn:*

*It was with great admiration that I read of your accomplishments as you were featured in The Times Herald-Record as a winner of the Orange County Interscholastic Athletic Association's scholar-athlete award.*

*So impressive are your accomplishments that I introduced a discussion at the Town Board meeting held this past Monday at which the Town Board and audience members heartily applauded your achievements in volleyball, your generous civic-mindedness and your academic excellence. You set an example for others to emulate.*

*I am joined by the Town Board in expressing our congratulations to you for being honored with this award. We extend to you our very best wishes in your future endeavors at Rider University and beyond.*

**AGENDA ITEMS  
(Continued)**

**Resolution  
to Grant Special Sign  
Permit to Compass  
Point Realty for Sign at  
655 Sterling Mine  
Road**

**Reminder of  
Ambulance Corps  
Dinner/Dance  
05/19/07**

**Reminder of  
Community Picnic at  
Library Following  
Memorial day Parade  
05/28/07**

**OTHER BUSINESS**

**Resolution  
Appointing HSBC  
Bank USA as an  
Official Depository  
for the Tow**

**Recognition of  
Scholar/Athlete  
Katelvn McQuade**

**OTHER BUSINESS (Continued):**

**Ordinance to Ban Smoking in Cars Carrying Children**

Councilperson Castricone suggested that the Town adopt a local law to implement a ban on smoking in vehicles while children are present.

**Trash Clean-Up on Route 17**

Councilperson Siegel advised that Tinka Shaw, a resident of Tuxedo Park, is arranging a trash clean-up event in the near future from the town line to the high school along Route 17. Residents are encouraged to volunteer.

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 613 through 727 (*Note: Claim #612 Void due to Installation of Computer Software Update*)

General Fund Claim totaling \$152,118.57  
Part-Town Fund Claim totaling \$51,688.39  
Highway Town Wide Claim totaling \$17,015.65  
Highway Part-Town Claim totaling \$-0-  
Tuxedo Refuse District Claim totaling \$27,612.00  
Hamlet Sewer District Claim totaling \$6,011.44  
Total abstract amount: \$254,446.05

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

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Siegel, to adjourn the meeting at 8:14 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

**OTHER BUSINESS  
(Continued)**

**Ordinance to Ban  
Smoking in Cars  
Carrying Children**

**Trash Clean-Up  
on Route 17**

**PUBLIC COMMENTS**

**BUDGET  
MODIFICATIONS**

**VOUCHERS**

**ADJOURNMENT**