

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, September 10, 2007 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
	Ms. Francine Rauch	Councilperson
	Mr. Andrew L. Siegel	Councilperson
	Ms. Lisa Spivak	Councilperson

Town Board Members Absent: None

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. Edward Pfizenmaier, Deputy Highway Superintendent; Mr. David Maikisch, Building Inspector; Messrs. Thomas Darling and Andrew Rogers, Zoning Board of Appeals Members; 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 Spivak, to accept the Town Board Minutes of the Public Hearing and Regular Bi-Monthly Meeting held on August 13, 2007, as submitted.

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

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Siegel, to accept the Town Board Minutes of Regular Bi-Monthly Meeting held on August 27, 2007, as submitted.

Adopted: AYES: [4] NAYS: [0] ABSTAIN: [1 – Councilperson Castricone]

MONTHLY REPORTS

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for August, 2007 from the Justice Court (2), the Police Department and the Town Clerk.

PUBLIC COMMENTS ON AGENDA ITEMS

PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Comments were received and discussion held regarding Agenda Items 2, 5 and 10.

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

AGENDA ITEMS:

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

Town Supervisor/ Town Board Update

- Pavilion at Murphy Field

Pavilion at Murphy Field

Supervisor Dolan advised that construction of a 16' x 30' pavilion on a concrete slab will be completed in time for Family Fun Day on October 6, 2007 at Murphy Field. The Town is grateful to Assemblywoman Annie Rabbitt and Senator Tom Morahan for the funding for this structure which will be used by the Tuxedo Silver Dollars senior organization and by residents of Tuxedo.

- Train Station Renovation

Train Station Renovation

Supervisor Dolan reported that the shoring of the train station foundation has begun and will continue for the next several weeks.

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **East Village Sign**

Supervisor Dolan advised that the sign at the entrance of the East Village has been crafted and installed on a stonework base.

• **Water Main Flushing**

Supervisor Dolan notified the public that the Village of Tuxedo Park will begin a program to flush water mains in the Hamlet on Wednesday, September 12, 2007, from 7:30 a.m. to 2:30 p.m.

• **Update on Ambulance Corps Fundraiser**

Councilperson Spivak advised that fundraising to date has reached \$150,000. She noted that everyone has been very generous and expressed her deep gratitude to them. A wet-down party for the new ambulance will take place sometime in October, and advance notification will be provided.

2. Discussion of Installation of Indian Point Siren at Lucky Playground

Mr. Michael J. Slobodien, Director of Emergency Planning of Entergy Nuclear Operations, Inc., spoke at length and answered questions concerning the proposed placement of a public alert system siren for the Indian Point Energy Center at the Lucky playground in the East Village. After conducting evaluations, Entergy concluded that the Lucky would be the most efficacious site and proposes to install an omni-directional siren atop a 50' steel pole. He described in detail the siren specifications. Councilperson Castricone asked that the siren be multi- rather than omni-directional, and Mr. Slobodien was asked to research other sites, such as the Powerhouse. He will report back to the Town Board in the near future.

3. Resolution to Authorize Execution of 2007-2008 Agreement for Snow and Ice Control on Certain County Roads

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Board hereby authorizes the Town Supervisor to execute an agreement with the Orange County Department of Public Works whereby the Town will provide services for the control of snow and ice on certain county roads in the Town of Tuxedo for the 2007-2008 season, as specified below, at the rate of compensation and under the terms and conditions as specified in the contract, as filed in the Town Clerk's office.

- (i) County Road No. 84, Long Meadow Road, starting at Route 17A southerly through the Town of Warwick and ending back in the Town of Tuxedo at County Road No. 72, a distance of 7.83 miles; and
- (ii) County Road No. 72, Sterling Mine Road, starting at the New Jersey state line easterly through the Town of Tuxedo to the Rockland County line, a distance of 1.66 miles.

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

4. Resolution to Authorize Execution of Agreement for Snow and Ice Control on Old Forge Road in Warwick

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby authorizes the Town Supervisor to execute an agreement with the Town of Warwick whereby the Town will provide services for the control of snow and ice on Old Forge Road for the 2007-2008 season, at the compensation rate of \$5,000.

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

**AGENDA ITEMS:
(Continued)**

**Town Supervisor/
Town Board Update
(Continued)**

East Village Sign

Water Main Flushing

*Update on Ambulance
Corps Fundraiser*

**Discussion of
Installation of Indian
Point Siren at Lucky
Playground**

**Resolution
Authorizing
Execution of 2007-
2008 Agreement for
Snow and Ice Control
on Certain County
Roads**

**Resolution
Authorizing
Execution of
Agreement for Snow
and Ice Control on
Old Forge Road in
Warwick**

AGENDA ITEMS (Continued):

5. Resolution to Authorize Retaining Appraiser in Tax Certiorari Proceedings Brought Against the Town

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

WHEREAS, Tuxedo Square Building, LLC and 1 Park Avenue Tuxedo, LLC have commenced tax certiorari proceedings against the Town of Tuxedo in the Supreme Court, State of New York, County of Orange, for the 2003, 2005 and 2006 tax years; and

WHEREAS, it appears from the recommendation of the Town Assessor and John H. Thomas, Jr., Esq. of Jacobowitz and Gubits, counsel for the Town of Tuxedo in the aforesaid proceedings, that preliminary appraisal information and/or full court appraisals of the above matters is needed; and

WHEREAS, Griffin Valuation & Realty Services, Ltd., has submitted a fee proposals for the above proceeding dated February 9, 2007, which are filed in the Town Clerk's office.

NOW, THEREFORE, BE IT RESOLVED that the fee proposals as described above are hereby accepted and that Griffin Valuation & Realty Services, Ltd. is hereby retained to provide the necessary appraisal opinions described above in the amounts set forth in the proposals.

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

6. Resolution to Authorize Execution of Agreement for Police Coverage for Forest of Fear of Fear

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, that the Town Supervisor is hereby authorized to enter into an agreement with Renaissance Entertainment Corp. for Police services for the Fall, 2007 Forest of Fear event.

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

7. Resolution to Grant Special Permit for Carnival Rides at Forest of Fear for 2007 Season

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, 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 to Renaissance Entertainment Corp. to operate four (4) carnival rides, as depicted in the submission made to the Town and filed in the Town Clerk's office, for the 2007 Forest of Fear season only, SUBJECT TO inspection by the Town Building Inspector; and FURTHER SUBJECT TO the applicant's obtaining any and all necessary permits and inspections that are required by all applicable governmental agencies, and FURTHER SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as additional insured and furnish a Certificate of Insurance covering the Town of Tuxedo at least 10 days prior to the commencement of the activities.

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

8. Resolution to Permit Placement of Signs Announcing Family Fun Day

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Siegel, that the Town Board hereby permits the Town Recreation Department to place signs measuring 18" x 24" at various local roads throughout the town, except at intersections with State roads, from September 14, 2007 through October 6, 2007, to publicize the 6th Annual Tuxedo Family Fun Day to be held on Saturday, October 6, 2007.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
to Authorize
Retaining Appraiser
in Tax Certiorari
Proceedings Brought
Against the Town**

**Resolution
Authorizing
Execution of
Agreement for Police
Coverage for Forest
of Fear of Fear**

**Resolution
Granting Special
Permit for Carnival
Rides at Forest of
Fear for 2007 Season**

**Resolution
Permitting Placement
of Signs Announcing
Family Fun Day**

AGENDA ITEMS (Continued):

9. Resolution to Appoint Two Part-Time Police Dispatchers

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Susan J. Crowell as a Part-Time Police Dispatcher, effective as of August 27, 2007, and Glen LaBar, Jr. as a part-Time Police Dispatcher, effective as of August 29, 2007, each at a salary rate of \$9.50 per hour during training, to be increased to \$10.00 per hour upon successful completion of training.

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

10. Resignation of Recreation Director

The Town Board acknowledged with deep regret the resignation of Mrs. Laurie Sanford from her position as Recreation Director effective September 1, 2007.

OTHER BUSINESS:

Resolution Approving Car Wash

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Rauch, 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 Recreation Department to oversee a car wash to be held on Sunday, September 30, 2007 from 10:00 a.m. to 2:00 p.m. at the lower commuter parking lot, for the purpose of fundraising for a skate park at the Lucky; and be it

FURTHER RESOLVED, that the Town Board hereby approves the placement of signs advertising the car wash commencing on or after September 15, 2007; and be it

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

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

Resolution Granting Special Permit for Annual Maplebrook Neighborhood Block Party

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 to Marie Castricone of 191 Maplebrook Road, Tuxedo, NY, to conduct a block party at the cul-de-sac at the top of Maplebrook Road on Saturday, September 22, 2007 (or in the event of inclement weather, on Sunday, September 23, 2007) beginning at 12:00 noon; and be it

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

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

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

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

BUDGET MODIFICATIONS

There were no budget modifications.

**Resolution
Appointing Two
Part-Time Police
Dispatchers**

OTHER BUSINESS

**Resolution
Approving
Car Wash**

**Resolution
Granting Special
Permit for Annual
Maplebrook
Neighborhood Block
Party**

**PUBLIC
COMMENTS**

**BUDGET
MODIFICATIONS**

REGULAR BI-MONTHLY MEETING
TUXEDO TOWN BOARD
SEPTEMBER 10, 2007

PAGE 5 OF 5

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 1,203 through 1,260
General Fund Claim totaling \$50,196.16
Part-Town Fund Claim totaling \$14,872.07
Highway Town Wide Claim totaling \$6,797.11
Highway Part-Town Claim totaling \$-0-
Tuxedo Refuse District Claim totaling \$-0-
Hamlet Sewer District Claim totaling \$1,188.60
Total abstract amount: \$73,052.94

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

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, to adjourn the meeting at 8:40 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

VOUCHERS

ADJOURNMENT