

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, April 14, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:36 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Thomas Darling	Councilperson
	Ms. Lisa Spivak	Councilperson
Town Board Members Absent:	Mr. Gary Phelps	Councilperson

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. Douglas Russell, Police Officer; Mr. Edward Pfizenmaier, Deputy Highway Superintendent; Mr. Andrew Rogers, Zoning Board of Appeals Member; Mr. David Maikisch, Building Inspector; and Mrs. Elaine M. Laurent, Town Clerk.

The Executive Session anticipated to be held at 6:30 p.m. was postponed until a future meeting date to be announced.

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

### 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 March 24, 2008, as submitted.

**Adopted:** AYES: [ 4 ] NAYS: [ 0 ] ABSENT: [ 1 ] ABSTAIN: [ 0 ]

### MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for March, 2008 from the Justice Court (2), the Police Department and the Town Clerk, and he acknowledged that the Monthly Report for February, 2008 from the Supervisor has been prepared and filed with the Town Clerk.

### PUBLIC COMMENTS ON AGENDA ITEMS

Supervisor Dolan asked for public comments on agenda items.

Discussion was held with the public regarding Agenda Items #4, #6 and #7.

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

### AGENDA ITEMS:

#### **1. Town Supervisor/Town Board Update**

- **Millennium Pipeline**

Supervisor Dolan advised that the Millennium Pipeline Company has begun preliminary work on the installation of a 30" replacement pipe in the Indian Kill by placing pontoons demarcating where the pipe will be laid.

- **Recreation Facilities**

Commending the Highway Department for its fine work, Supervisor Dolan announced with pleasure the following improvements at the recreation facilities noted below:

- Tichy Field: Installation of electronic scoreboard, electrical service, organic lavatory
- Lucky Playground: Installation of shoulder stone and other preparations for skate park
- Circle Field: Delivery of play set for set-up at a later date

MINUTES

MONTHLY  
REPORTS

PUBLIC COMMENTS  
ON AGENDA ITEMS

AGENDA ITEMS:  
Town Supervisor/  
Town Board Update

*Millennium Pipeline*

*Recreation Facilities*

**AGENDA ITEMS (Continued):**

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

• **Clean Sweep**

Supervisor Dolan reminded the public that the town wide Clean Sweep event will take place on Saturday, April 19. All interested participants are to meet at Town Hall at 9:00 a.m. where t-shirts, gloves, bags and refreshments will be available.

**2. Resolution Appointing Daniel J. Sutherland as Full-Time Police Officer**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that, effective as of April 7, 2008, the Town Board hereby appoints Daniel J. Sutherland as a full-time Police Officer, having successfully completed his psychological and physical testing, at a salary rate in accordance with the collective bargaining agreement between the Town and the Police Benevolent Association, and with a 78-week probation period in accordance with the Orange County Civil Service Rules and Regulations.

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

**3. Resolution Confirming Permanent Appointment of Police Officer Brandon King**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby confirms the permanent appointment of full-time Police Officer Brandon J. King effective as of March 27, 2008, Officer King having successfully completed his 78-week probationary period.

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

**4. Tabled Resolution to Authorize Agreement for Transfer of Ownership of Legion Building to Town of Tuxedo**

This item was tabled until a future meeting date to be announced.

**5. Resolution Granting Special Use Permit for Memorial Day Community Picnic at Library**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, 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 Tuxedo Park Library to hold a Community Picnic on Monday, May 26, 2008 (Memorial Day) from 12:00 noon to 2:30 p.m. at the library premises and to close Library Road directly behind the library from all vehicular traffic from 8:00 a.m. to 5:00 p.m., SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as additional insured and furnishing a Certificate of Insurance covering the Town of Tuxedo at least 10 days prior to the commencement of the activities; and

**FURTHER RESOLVED**, that all signs, route markings, road barricades, trash and other paraphernalia be removed by the applicant immediately after the event.

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

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

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

**AGENDA ITEMS:  
(Continued)**

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

*Clean Sweep*

**Resolution  
Appointing  
Daniel J. Sutherland  
as Full-Time Police  
Officer**

**Resolution  
Confirming  
Permanent  
Appointment of  
Police Officer  
Brandon King**

**Tabled Resolution to  
Authorize Transfer of  
Legion Building to  
Town of Tuxedo**

**Resolution  
Granting Special Use  
Permit for Memorial  
Day Community  
Picnic at Library**

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

**AGENDA ITEMS (Continued):**

**6. Resolution Approving Form of Petition to Raise Library Taxes (Continued)**

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 ] ABSENT: [ 1 ]

**7. Tabled Resolution to Change Designated Polling Place for Election District #2 to Town Hall**

This item was tabled until the April 28, 2008 Town Board meeting.

**8. Notification of Indian Point Full-Volume Siren Test in East Village - 4/15 through 4/17**

Supervisor Dolan read aloud the following announcement:

A full-volume test of the new Indian Point Siren System will be conducted on the following three days: Tuesday-Thursday, April 15-17, 2008. One test will be conducted each day, between 10:30 a.m. and 11:00 a.m. for a test duration of four minutes. During this full-system activation test, the newly-installed siren at Lucky Playground in Tuxedo be activated, including the sirens in Orange County. During each test, sirens will sound simultaneously for about four minutes. The sirens will start at low volume and rapidly rise to full volume. If the sirens were sounded during an actual emergency, residents would listen to an Emergency Alert System radio or television station for information and instructions about any action to be taken.

**OTHER BUSINESS:**

**Discussion of Conditions at Property Located at 1103 Route 17, Southfields**

Supervisor Dolan reported that an order of remedy and appearance ticket were served on Patrick Kelly, owner of the above-referenced premises, citing discarded trash, debris and unregistered vehicles, with a court date of April 29, 2008. As regards the status of the removal of the illegal trailers on the premises, it was confirmed that a Town Board resolution was adopted on November 13, 2007 delegating the Town Supervisor to award the bid for such removal. Mr. Nichol noted that the Town has a Supreme Court judgment permitting the removal. He advised that Mr. Kelly be given 30 days' prior notice to remove all his effects from the trailers.

**Acknowledgment of Receipt of Letter from Silver Dollars regarding Legion Building**

Supervisor Dolan read aloud a letter addressed to the Town Board from Andrew Berish, President of the Silver Dollars senior citizen club in which he expressed concerns about the use of the Legion building by the seniors. Supervisor Dolan assured Mr. Berish that the seniors will not be required to use the Legion building for their meetings/events and can continue to use the Town Hall.

**AGENDA ITEMS:  
(Continued)**

**Resolution  
Approving Form of  
Petition to Raise  
Library Taxes  
(Continued)**

**Tabled Resolution to  
Change Designated  
Polling Place for  
Election District #2**

**Notification of Indian  
Point Full-Volume  
Siren Test in East  
Village - 4/15 through  
4/17**

**OTHER BUSINESS:**

**Discussion of  
Conditions at  
Property Located at  
1103 Route 17,  
Southfields**

**Acknowledgment of  
Receipt of Letter  
from Silver Dollars  
Regarding Legion  
Building**

**OTHER BUSINESS (Continued):**

**Resolution Granting Special Sign Permit to Taverna Tuxedo**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Darling, 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 Jennifer R. Hartley to place a banner measuring 3' by 5' at the Taverna Tuxedo restaurant, 209 Route 17, Tuxedo, New York for the period of 120 days, commencing April 14, 2008 and ending August 20, 2008, such banner bearing the following wording: "Now Open/Taverna Tuxedo/Lunch & Dinner/(845) 915-3220;" 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 ] ABSENT: [ 1 ]

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 421 through 532  
General Fund Claim totaling \$174,017.56  
Part-Town Fund Claim totaling \$22,270.21  
Highway Town Wide Claim totaling \$44,593.89  
Highway Part-Town Claim totaling \$-0-  
Tuxedo Refuse District Claim totaling \$-0-  
Hamlet Sewer District Claim totaling \$6,371.03  
Total abstract amount: \$247,252.69

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

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 8:38 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

**OTHER BUSINESS:  
(Continued)**

**Resolution  
Granting Special  
Sign Permit to  
Taverna Tuxedo**

**PUBLIC  
COMMENTS**

**BUDGET  
MODIFICATIONS**

**VOUCHERS**

**ADJOURNMENT**