

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, June 9, 2008 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:43 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; Mr. Daniel J. Carlin, Police Chief; Mr. David Maikisch, Building Inspector; Mrs. Patricia Monico-Sullivan, Town Bookkeeper; and Mrs. Elaine M. Laurent, Town Clerk.

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

**MINUTES**

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**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 28, 2008, as submitted.

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

**MONTHLY REPORTS**

**MONTHLY REPORTS**

Supervisor Dolan acknowledged receipt of the Monthly Reports for April, 2008 from 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. There were none.

**AGENDA ITEMS:**

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**Town Supervisor/  
Town Board Update**  
**Skate Park at Lucky  
Playground**

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

• **Skate Park at Lucky Playground**

Supervisor Dolan announced that paving of Lucky Playground on East Village Road and installation of the skate boarding apparatus will be completed in the next two weeks. The skate park will be open daily from 9:30 a.m. to 8:00 p.m. Patrons must follow the posted rules and regulations, which will be strictly enforced by the Police Department.

• **Photo IDs for Town Employees**

Councilperson Spivak is making arrangements for utilizing the Ambulance Corps photo ID system for cards for Town employees.

**Photo IDs for Town  
Employees**  
  
**Powerhouse Property  
Filling & Grading**

• **Powerhouse Property Filling & Grading**

Supervisor Dolan advised that he is in receipt of a letter from the NYS Department of Environmental Conservation confirming that the Town is in compliance with DEC regulations, now that all fill from the floodway and a portion the mounded earth at the north end of the commuter parking lot have been removed. The letter further states that it appears that the filling and grading at the Powerhouse site will not result in an increase in water surface elevations and that the Town's intention to York rake and seed the site, and the proposed replacement of the East Village Road bridge over the Ramapo, is expected to reduce flooding on River Road by either allowing flood waters to pass under the bridge faster, or by allowing more flood water onto the Powerhouse Lane park site. The Highway Department will shoot elevations to document the foregoing.

**AGENDA ITEMS (Continued):**

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

• **Grant for Additional Organic Lavatory**

Supervisor Dolan advised that the Town has received a grant in the amount of \$3,800 for the purchase and installation of an organic restroom similar to that at Tichy Field. The site for the restroom has yet to be determined.

• **Sterling Mine Estates**

Supervisor Dolan advised that the developers have not paved Juniper Terrace by the due date of May 30, 2008. Lengthy discussion with the Town Board members ensued. It was the consensus of the Town Board to confirm its declaration of default of the developers, to undertake paving and all other necessary improvements, and to negotiate the letter of credit being held as the subdivision improvements bond to repay the Town's costs in completing the improvements.

**RESOLUTION CONFIRMING DECLARATION OF DEFAULT OF STERLING MINE ESTATES DEVELOPERS**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby confirms its declaration that the developers of the Sterling Mine Estates subdivision are in default of their obligations to complete the public improvements in said subdivision and that the Town Board intends to take all necessary and advisable actions in consequence thereof, including undertaking the paving of the roadway; and it is hereby

**FURTHER RESOLVED**, that the Town Clerk is hereby authorized to prepare a draft and present same to the bank holding the Letter of Credit representing the subdivision improvements bond and receive the full amount of such Letter of Credit for repayment of the Town's expenses incurred in completing the subdivision improvements.

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

• **Ironman Competition**

Supervisor Dolan advised that organizers of the Ironman triathlon competition have contacted him regarding the possibility of conducting the event in Tuxedo in September, 2009. Supervisor Dolan will meet with competition representatives this week.

**2. Resolution Appointing Peter C. Barba as Part-Time Police Dispatcher**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby appoints Peter C. Barba as a Part-Time Police Dispatcher effective June 13, 2008 at a salary rate of \$10.00 per hour during training, to be increased to \$12.00 per hour upon successful completion of training, subject to verification from the Orange County Department of Personnel.

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

**3. Resolution Introducing Local Law Providing For Heavy-Duty Towing Regulations**

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

**BE IT RESOLVED**, that an Introductory Local Law, entitled "Amendments to Towing Regulations," be and it hereby is introduced by Supervisor 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

Town Supervisor/  
Town Board Update

*Grant for Additional  
Organic Lavatory*

*Sterling Mine Estates*

**RESOLUTION  
CONFIRMING  
DECLARATION OF  
DEFAULT OF  
STERLING MINE  
ESTATES  
DEVELOPERS**

**Resolution  
Appointing  
Peter C. Barba as  
Part-Time Police  
Dispatcher**

**Resolution  
Introducing Local  
Law Providing For  
Heavy-Duty Towing  
Regulations**

*Town Clerk  
Note: No  
Appointment made  
because of  
denial by  
OC Personnel  
due to  
appointee's  
summer  
position  
with  
Highway  
Dept.*

**AGENDA ITEMS:  
(Continued)**

**AGENDA ITEMS (Continued):**

**3. Resolution Introducing Local Law Providing For Heavy-Duty Towing Regulations (Continued)**

**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 Monday, July 28, 2008; 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 ]

**4. Tabled Resolution to Reschedule Town Board Meetings for July and August, 2008**

This item was tabled until the June 23, 2008 meeting.

**5. Resolution Granting Special Permit for Bicycle Event – August 2, 2008**

**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 use of Town of Tuxedo roads by the New Jersey Bicycle Association, P.O. Box 7303, Princeton, NJ 08543 during their time trial bicycling event to be held on Saturday, August 2, 2008; SUBJECT TO the applicant's obtaining liability insurance coverage naming the Town of Tuxedo as an additional insured and furnishing a Certificate of Insurance covering the Town of Tuxedo at least ten days prior to the commencement of the activities; and be it

**FURTHER RESOLVED**, that the applicant is hereby instructed that all bicycling and related event activities on Long Meadow Road must cease no later than 11:00 a.m.; and be it

**FURTHER RESOLVED**, that all signs and route markings be removed by the applicant within seven days after the event; and be it

**FURTHER RESOLVED**, that all of the foregoing be accomplished to the satisfaction of the Building Inspector and the Chief of Police.

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

**OTHER BUSINESS:**

**Resolution Granting Special Sign Permit for Farmers' Market Sandwich Boards**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby issues a special sign permit to the Farmers' Market Corporation, for the period of June 1, 2008 through October 27, 2008, for a maximum of four (4) sandwich boards measuring up to 2' x 4' to be placed at the below-listed locations to publicize the farmers' market; PROVIDED, HOWEVER, that such signs may be installed continuously throughout the period of this permit so long as the signs remain securely fastened and in good repair and present no sight obstructions:

Curbside next to the Train Station Parking Lot  
Curbside next to the Ambulance Corps Building  
Near Entrance to the Village of Tuxedo Park  
At Intersection of Sterling Mine and Eagle Valley Roads

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

**Resolution  
Introducing Local  
Law Providing For  
Heavy-Duty Towing  
Regulations  
(Continued)**

**Tabled Resolution to  
Reschedule Town  
Board Summer  
Meetings**

**Resolution  
Granting Special  
Permit for Bicycle  
Event – August 2,  
2008**

**OTHER BUSINESS:**

**Resolution  
Granting Special Sign  
Permit for Farmers'  
Market Sandwich  
Boards**

**OTHER BUSINESS (Continued):**

**Resolution Introducing Local Law entitled "Membership on Municipal Boards"**

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

**BE IT RESOLVED**, that an Introductory Local Law, entitled "Membership on Municipal Boards," be and it hereby is introduced by Councilperson Darling 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 7:45 p.m. on Monday, July 28, 2008; 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 ]

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 770 through 807 and 809 through 835 (#808 void)  
General Fund Claim totaling \$69,190.18  
Part-Town Fund Claim totaling \$10,929.14  
Highway Town Wide Claim totaling \$10,616.50  
Highway Part-Town Claim totaling \$8,867.07  
Tuxedo Refuse District Claim totaling \$-0-  
Hamlet Sewer District Claim totaling \$3,003.26  
Total abstract amount: \$192,616.15

**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 Darling, to adjourn the meeting at 8:56 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent, Town Clerk

**OTHER BUSINESS:  
(Continued)**

**Resolution  
Introducing Local  
Law entitled  
"Membership on  
Municipal Boards"**

**PUBLIC  
COMMENTS**

**BUDGET  
MODIFICATIONS**

**VOUCHERS**

**ADJOURNMENT**