

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, December 8, 2008 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
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; 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.

A public hearing was held to receive comments on Introductory Local Law entitled "Amendments to Towing Regulations," separate minutes of which have been prepared.

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 November 24, 2008, as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for November, 2008 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. Town Supervisor/Town Board Update

- **Rate Increase Filing by South County Sewer Corp.**

Supervisor Dolan advised that, on December 8, 2008, a rate increase petition was filed with the Town by South County Sewer Corp. seeking a proposed increase of 70.79% to its residential and commercial customers and proposing a tariff with a rate escalator clause, which would allow rates to increase at the same rate as the increase in the Consumer Price Index for Water and Sewage Maintenance. A response from the Town Supervisor is required on or before March 9, 2009. It is the duty of the Town to determine if the proposed rate is fair, reasonable and adequate. The application has been referred to Town Counsel for review and recommendation to the Town Board of procedures to properly analyze the application and make its determination. A public hearing to receive input from the public will be scheduled at the January 12, 2009 Town Board meeting.

- **Christmas Tree & Menorah Lighting**

Supervisor Dolan advised of two seasonal celebrations: On December 7th, the lighting of the Town Christmas tree and display of the crèche took place, with music by the Tuxedo school band and chorus, along with an appearance by Santa Claus, who was the center of festivities held at Town Hall afterwards; and on December 22nd, the first candle of the Town Menorah will be lit, with dignitaries, including Rabbi Goldman from Monroe, to be in attendance.

- **Tuxedo Local Development Corp.**

Supervisor Dolan advised that the first meeting of the Tuxedo Local Development Corporation ("LDC") took place today, December 8, 2008. The following officers were selected: President, Peter M. Dolan; Vice

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

AGENDA ITEMS:
Town Supervisor/
Town Board Update

*Rate Increase Filing
by South County
Sewer Corp.*

*Christmas Tree &
Menorah Lighting*

*Tuxedo Local
Development Corp.*

Note by
Town Clerk:
On
12/11/2008,
applicant
filed a
correction
of company
name from
South
County
Sewer Corp.
to United
Water South
County
Sewer Inc.

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **Tuxedo Local Development Corp.(Continued)**

President, Lisa M. Spivak; Secretary, Nils Gerling; Treasurer, Paul Provo; Vice Treasurer, Bruce Warwick. For purposes of the LDC, the term "downtown" was defined as the area from the Tuxedo Park gate south to the property currently used as the Take-a-Break ice cream stand. The next meeting of the LDC is scheduled for January 20, 2009 and will focus on the establishment of an application process.

2. Resolution Scheduling 2009 Reorganization Meeting

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby schedules the 2009 Reorganization Meeting to be held on Monday, January 12, 2009 at 7:30 p.m. at the Town Hall, to be followed immediately by the Regular Bi-Monthly Meeting.

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

3. Resolution Appointing Town Insurance Company

Supervisor Dolan advised that, pursuant to solicitation, the Town received three quotes from insurance companies, two of which were \$100,000 or higher, and the other, from J. S. Braddock Agency, which was \$80,000.

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints J. S. Braddock Agency, 22 North Main Street, Medford, New Jersey, as the official broker of record to provide the insurance requirements for the Town of Tuxedo for the period January 1 through December 31, 2009 in an amount not to exceed \$80,000.00.

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

4a. Tabled Resolution Adopting Local Law Entitled "Amendments to Towing Regulations"

This item was tabled until the Town Board meeting to be held on January 12, 2009, on which date a public hearing continuation will also be held.

4b. Tabled Resolution Adopting Schedule of Fees Chargeable for Heavy Duty Towing

This item was tabled until a future meeting of the Town Board.

5. Resolution Authorizing Agreement for Snow and Ice Control on Old Forge Road in Warwick

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the, 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 2008-2009 season, at the compensation rate of \$5,000.

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

6. Resolution Authorizing Inter-Municipal Agreement for Police Communications

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby authorizes the Town Supervisor to execute an agreement with the County of Orange pursuant to which the Town will participate in an interoperable communications project providing for direct two-way communications between the Orange County Department of Emergency Services and public safety agencies for the improved delivery of public safety services, at no cost to the Town.

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

**AGENDA ITEMS:
(Continued)**

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

***Tuxedo Local
Development Corp.
(Continued)***

**Resolution
Scheduling 2009
Reorganization
Meeting**

**Resolution
Appointing Town
Insurance Company**

***Tabled Resolution to
Adopt Local Law
Entitled "Amend-
ments to Towing
Regulations"***

***Tabled Resolution
Adopting Schedule of
Fees Chargeable for
Heavy Duty Towing***

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

**Resolution
Authorizing Inter-
Municipal Agreement
for Police
Communications**

AGENDA ITEMS (Continued):

7. *Withdrawn Resolution to Grant Special Sign Permit for Used Furniture Store in Southfields*

Mr. Mario Gorczyca of Nolans Way, Arden, requested a temporary banner measuring 2' by 14' and bearing the words "Used Furniture and Antiques" to be affixed over the face of the existing sign on his pet store on Route 17 in Southfields. The Board advised Mr. Gorczyca that the proper procedure for a sign for a new business is to submit a completed application to the Architectural Review Board. Should the ARB deem that a temporary sign is appropriate due to the length of time in which a permanent sign will be approved and manufactured, then the ARB will so notify the applicant and refer the matter to the Town Board for approval of a temporary, interim sign. No application has been made by Mr. Gorczyca, and the Town Board recommended that he do so promptly.

8. *Resolution Consenting to Order Laying Out Highway to Establish Juniper Terrace as a Town Road*

RESOLVED, motion made by Councilperson Darling, seconded by Councilperson Spivak, that, upon review of the proposed Order Laying Out Highway for Juniper Terrace, and of the lands therein described to be released to the Town of Tuxedo and its Highway Superintendent for highway purposes, consent is hereby given to the Town Superintendent of Highways of the Town of Tuxedo to make an Order Laying Out the lands to be released for highway purposes.

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

OTHER BUSINESS:

Approval of Participation in Online Land Use Law Class

It was the consensus of the Town Board to approve the participation by Councilperson Castricone in an online class entitled "Current Trends in Land Use Law," offered by Rutgers University at a cost of \$295.00.

There was 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 1,689 through 1,766
General Fund Claim totaling \$141,758.89
Part-Town Fund Claim totaling \$53,940.87
Highway Town Wide Claim totaling \$32,699.71
Highway Part-Town Claim totaling \$2,675.00
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$6,963.95
Total abstract amount: \$65,026.54

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

**AGENDA ITEMS:
(Continued)**

Withdrawn Resolution to Grant Special Sign Permit for Used Furniture Store in Southfields

Resolution Consenting to Order Laying Out Highway to Establish Juniper Terrace as a Town Road

OTHER BUSINESS:

Approval of Participation in Online Land Use Law Class

PUBLIC COMMENTS

BUDGET MODIFICATIONS

VOUCHERS

VOUCHERS (Continued)

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:35 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**VOUCHERS
(Continued)**

ADJOURNMENT