

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, January 12, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:39 p.m.

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

Town Board Members Absent: Ms. Lisa Spivak Councilperson

Other Town Officials Present: Mr. Joseph P. Tripoli, Sr., Highway Superintendent; 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.

The Town Board entertained Agenda Item #6 prior to proceeding with the meeting as indicated on the Agenda.

AGENDA ITEM #6 - Resolution Appointing William Hall and Michael Eichengreen as Full-Time Police Officers

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that, effective January 13, 2009, the Town Board hereby appoints William Hall and Michael P. Eichengreen as a full-time Police Officers, having successfully completed their 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]

PUBLIC HEARING CONTINUATION – LOCAL LAW ENTITLED “AMENDMENTS TO TOWING REGULATIONS”

A public hearing continuation was held commencing at 7:48 p.m. 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 Public Hearing and Regular Bi-Monthly Meetings held on December 8, 2008, and December 31, 2008 as submitted.

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

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for December, 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.

**Resolution
Appointing
William Hall and
Michael Eichengreen
as Full-Time Police
Officers**

**Public Hearing
Continuation – Local
Law Entitled
“Amendments To
Towing Regulations**

MINUTES

**MONTHLY
REPORTS**

**PUBLIC COMMENTS
ON AGENDA ITEMS**

AGENDA ITEMS:

1. Town Supervisor/Town Board Update

• **United Water South County Sewer Proposed Rate Increase**

Supervisor Dolan advised that the public hearing to receive comments on the above matter will be conducted jointly with the Town of Warwick and will be held at the American Legion Building on Route 19 in Southfields at 7:30 p.m. on Monday, February 2, 2009.

• **Police Personnel**

Supervisor Dolan advised that John Tamburello, who has not returned to work in his position as police officer since an injury which occurred in December 4, 2004, has been granted disability retirement.

2. Resolution Rescheduling 2009 Reorganization Meeting

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby reschedules the 2009 Reorganization Meeting, formerly schedule for January 12, 2009, to be held on Monday, January 26, 2009 at 7:30 p.m. at the Town Hall, to be followed immediately by the Regular Bi-Monthly Meeting.

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

3. Tabled Resolution Approving Annual Towing Permits

This item was tabled until a future meeting to afford the Police Department with the opportunity to fully review the towing permit applications.

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

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

WHEREAS, Introductory Local Law #1 of 2009 entitled, "Amendments to Towing Law," was introduced before the Town Board of the Town of Tuxedo on June 9, 2008 and, upon notice duly published and/or posted, public hearings were held on July 28, 2008, December 8, 2008 and January 12, 2009, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of Introductory Local Law #1 of 2009 is hereby determined not to have a significant effect on the environment; and be it

FURTHER RESOLVED, that Introductory Local Law #1 of 2009 of the Town of Tuxedo be and hereby is adopted as Local Law #1 of 2009 of the Town of Tuxedo on January 12, 2009.

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

4b. Resolution to Establish Town Heavy-Duty Towing Application Fee and Towing Rates

RESOLVED, motion made by _____, seconded by _____, that, pursuant to the provisions of Chapter 48, Section 48.4 of the Town Code of the Town of Tuxedo, the Town Board hereby establishes

AGENDA ITEMS:

**Town Supervisor/
Town Board Update**

**United Water South
County Sewer
Proposed Rate
Increase**

Police Personnel

**Resolution
Rescheduling
2009 Reorganization
Meeting**

**Tabled Resolution
Approving Annual
Towing Permits**

AGENDA ITEMS (Continued):

4b. Resolution Establishing Town Heavy-Duty Towing Application Fee and Towing Rates (Continued)

the fee for heavy-duty towing applications at \$175.00 per vehicle and the maximum allowable towing fees chargeable by towing entities on the Town's towing list for heavy-duty towing as follows:

Trucks 26,001 lbs. to 80,000 lbs	\$350.00/hr. *
Trucks 80,001 lbs. and over	\$450.00/hr. *
Recovery of Trucks 26,001 lbs. and over	\$850.00/hr. *
Storage of Trucks 26,001 lbs. and over	\$ 95.00/unit (tractor trailers are considered two units)
Mileage:	\$ 7.50/mile

*Any unreasonable delay in completion of any tow will result in the assessment by the Town upon the towing company assessment of treble the penalties contained in §91-29 of the Town's towing ordinance.

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

5. Acknowledgment of Resignation of Full-Time Police Officer Brandon J. King

The Board acknowledged with regret the resignation of full-time Police Officer Brandon J. King effective January 5, 2009.

7. Resolution Scheduling Public Hearing Regarding Proposed Rate Increase and Tariff by United Water Sewer Corp.

RESOLVED, motion made by Supervisor Dolan, seconded Councilperson Castricone, that the Town Board hereby schedules a public hearing to be held at 7:30 p.m. on Monday, February 2, 2009, at the American Legion Building, 16 Orange Turnpike (a/k/a County Route 19), Southfields, New York Hall, to receive public comments on a rate increase and tariff proposed by United Water Sewer Corp.

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

8. Resolution Authorizing Acceptance of Planning Grant Funds in the Amount of \$15,800.00 and Execution of Agreement & Contract

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby accepts on behalf of the Town of Tuxedo the award of \$15,800.00 under the Orange County Community Planning Grant for the purpose of the preparation of a lake management plan for Tuxedo Lake, in conjunction with the Village of Tuxedo Park; and be it

FURTHER RESOLVED, that, Town Counsel having reviewed that certain Agreement & Contract with the County of Orange, by and through the Orange County Planning Department, a copy of which is on file in the Town Clerk's office, the Town Supervisor is hereby authorized to execute such agreement.

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

OTHER BUSINESS:

Resolution Scheduling Public Hearing Continuation Regarding Draft Comprehensive Plan Update

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Phelps, that the Town Board hereby schedules a Public Hearing Continuation to be held on Monday, February 9, 2009 at the Town Hall at 7:30 p.m. for the purpose of soliciting public participation in the preparation of a draft Comprehensive Plan Update.

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

**AGENDA ITEMS:
(Continued)**

**Resolution
Establishing Town
Heavy-Duty Towing
Application Fee and
Towing Rates
(Continued)**

**Acknowledgment of
Resignation of Full-
Time Police Officer
Brandon J. King**

**Resolution
Scheduling Public
Hearing Regarding
Proposed Rate
Increase and Tariff
by United Water
Sewer Corp.**

**Resolution
Authorizing
Acceptance of
Planning Grant
Funds in the Amount
of \$15,800.00 and
Execution of
Agreement &
Contract**

OTHER BUSINESS:

**Resolution
Scheduling Public
Hearing Continuation
Regarding Draft
Comprehensive Plan
Update**

OTHER BUSINESS (Continued):

Resolution Introducing Local Law Entitled “Amendment of Town Ethics Code”

BE IT RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Phelps, that an Introductory Local Law, entitled “Amendment of Town Ethics Code,” be and it hereby is introduced by Councilperson Daniel Castricone 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 7:30 p.m. on Monday, February 9, 2009; 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: [4] NAYS: [0] ABSENT: [1]

MOMENT OF SILENCE HONORING MEMORY OF KIERAN MURRAY

Councilperson Castricone memorialized Town resident Kieran Murray, who passed away after a valiant fight against his cancer. A moment of silence was held to honor his memory.

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Sirens at Sterling Forest Firehouse

A Clinton Woods resident asked for the Town Board’s assistance with respect to newly-installed sirens at the Sterling Forest Firehouse which he feels are excessively loud and, due to his recent operation to address his profound hearing difficulties, cause him extreme sensitivity. Supervisor Dolan and Councilperson Darling will take the matter up with the Fire Commissioners.

Supervisor Dolan asked for any further 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 1,624 through 1,688
General Fund Claim totaling \$32,627.41
Part-Town Fund Claim totaling \$3,705.53
Highway Town Wide Claim totaling \$8,081.45
Highway Part-Town Claim totaling \$15,303.60
Tuxedo Refuse District Claim totaling \$0-
Hamlet Sewer District Claim totaling \$5,308.55
Total abstract amount: \$65,026.54

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

**OTHER BUSINESS:
(Continued)**

**Resolution
Introducing Local
Law Entitled
“Amendment of
Town Ethics Code”**

**MOMENT OF
SILENCE
HONORING
KIERAN MURRAY**

**PUBLIC
COMMENTS:**

**Sirens at Sterling
Forest Firehouse**

**BUDGET
MODIFICATIONS:**

VOUCHERS

VOUCHERS (Continued):

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

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, to adjourn the meeting at 9:38 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk

**VOUCHERS
(Continued)**

ADJOURNMENT

PUBLIC COMMENTS

BUDGET MODIFICATIONS