

Public Notice of meeting time change having been published and posted, the Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, February 22, 2010 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 6:15 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Thomas Darling	Councilmember
	Mr. Clifford Loncar	Councilmember
	Mr. Gary Phelps	Councilmember
	Ms. Lisa Spivak	Councilmember

Town Board Members Absent: None

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

EXECUTIVE SESSION

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to recess to executive session at 6:15 p.m. for the purpose of conducting interviews of candidates for open positions on various Boards in the Town.

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

The Board reconvened the regular meeting at 7:30 p.m.

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Police Sergeant John Norton; Police Sergeant Patrick Welsh; Police Patrolmen Michael Biagini, Stefan Christian, Anthony D'Elia and Douglas Russell; Police Dispatcher Aaron McGrady; Mr. Edward Pfizenmaier, Superintendent of Highways; Mr. Michael Marusich, Deputy Highway Superintendent; Mr. David Maikisch, Building Inspector; Mrs. Patricia Monico-Sullivan, Town Bookkeeper; Mrs. Dale Mottola, Architectural Review Board Member; and Mrs. Elaine M. Laurent, Town Clerk.

MOMENT OF SILENCE AND REFLECTION TO HONOR MEMORY OF SCOTT JENKINS

A moment of silence and reflection was held to honor the memory of life-long Tuxedo resident, Scott Jenkins, who passed away on February 22, 2010 at the age of 32. Scott was born on April 15, 1977 to Wayne and Cynthia Jenkins. He was a self-employed carpenter. Scott is survived by his parents and his two brothers, Thomas and Wayne, Jr.

Testaments to Scott's friendly and caring nature can be found in the sentiments expressed by his friends and loved ones, some of which appear below.

*To know Scott Jenkins was to know a truly genuine person
His laugh could light up a room.
Everyone that Scott touched in life will be changed for the better.
Scotty, you are one of a kind and never will be forgotten. Eagle Valley will never be the same.
Scott cared for all who he came in contact with.
I knew Scott for many years, and he was a great soul.
Like a bird singing in the rain, let grateful memories survive in time of sorrow.*

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to accept the Town Board Minutes of the Regular Bi-Monthly Meeting held on February 8, 2010, as submitted.

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

MONTHLY REPORTS

There were no monthly reports submitted at this meeting.

**EXECUTIVE
SESSION**

**MOMENT OF SILENCE
AND REFLECTION TO
HONOR MEMORY OF
SCOTT JENKINS**

MINUTES

**MONTHLY
REPORTS**

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

• **Appointments to Various Boards**

Supervisor Dolan advised that interviews were held earlier in this meeting of candidates for the positions of Member of the Architectural Review Board and Member and Alternate Member of the Zoning Board of Appeals. Appointments will be made at the next Town Board meeting.

• **Grant Requests**

Supervisor Dolan advised that three federal grant applications totaling approximately \$260,000 have been submitted and include geothermal power at the Powerhouse, Highway Department, Police Headquarters and Town Hall, a walking track at the Powerhouse, and renovation of the American Legion building.

2. Resolution Appointing Patrick W. Welsh, IV as Full-Time Police Chief

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Phelps, that the Town Board hereby appoints Patrick W. Welsh, IV as Full-Time Police Chief, pursuant to the terms of and CONTINGENT UPON the execution of an employment agreement, effective for the period commencing upon the mutual signing of such agreement and ending on December 31, 2010, and in accordance with the Orange County Civil Service Rules and Regulations.

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

3. Resolution Appointing John P. Norton as Full-Time Police Lieutenant

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Spivak, that the Town Board hereby appoints John P. Norton as a full-time Police Lieutenant, effective contemporaneously with the imminent appointment of a police chief, at a salary rate in accordance with the collective bargaining agreement between the Town and the Police Benevolent Association and in accordance with the Orange County Civil Service Rules and Regulations.

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

4. Resolution Appointing Aaron McGrady as Full-Time Police Officer

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Darling, that, effective March 6, 2010, the Town Board hereby appoints Aaron M. McGrady as a full-time Police Officer 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: [5] NAYS: [0] ABSENT: [0]

5. Resolution Approving Agreement with JNS Towers, LLC, for Installation of Cell Tower(s)

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Darling, that the Town Board hereby authorizes the Town Supervisor to enter into a Master Management Agreement with JNS Towers, LLC, 5 Corporate Drive, Central Valley, NY 10917, for the development, construction and management of communication tower(s) on Town property, as further detailed, and at the fee schedule specified, in such agreement.

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

**PUBLIC COMMENTS
ON AGENDA ITEMS**

AGENDA ITEMS:

**Town Supervisor/
Town Board Update**

**Appointments to
Various Boards**

Grant Requests

**Resolution
Appointing
Patrick W. Welsh, IV
as Full-Time Police
Chief**

**Resolution
Appointing
John P. Norton as
Full-Time Police
Lieutenant**

**Resolution
Appointing
Aaron McGrady as
Full-Time Police
Officer**

**Resolution
Approving
Agreement with JNS
Towers, LLC, for
Installation of Cell
Tower(s)**

AGENDA ITEMS (Continued):

6. Resolution Granting Special Permit for News Conference at Duck Cedar Parking Lot - 02/27/10

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Phelps, 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 David McFadden for Congress campaign committee to hold a press conference and candidacy announcement at 11:00 a.m. on Saturday, February 27, 2010 at the parking lot of the Duck Cedar Plaza, Route 17, Tuxedo, NY, 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 three days prior to the commencement of the activities; and

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

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

OTHER BUSINESS:

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

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Towing List

Two representatives of companies permitted to conduct towing in the Town voiced their strong objection to the addition of a company in Monroe that does not appear to meeting the distance requirement and other criteria of the Tow Law. Supervisor Dolan will investigate the matter and report back at the next Town Board meeting.

Tuxedo Reserve

Town resident Eric Nimke submitted a copy of the November/December, 2004 and the November/December, 2003 issues of the former town-wide newspaper, *Tuxedo Inside Out*, containing articles regarding the Tuxedo Reserve proposed development. Mr. Nimke suggested that a comparison be drafted of the four iterations of the Tuxedo Reserve project over the last 21 years in order that some coherence of what had been proposed versus what is now being proposed is available.

Effects of Harriman Sewer Expansion on Tuxedo

Mr. Nimke submitted a copy of two articles from the Times Herald Record, dated February 6, 2010 and February 21, 2010, respectively, concerning impacts on the sewage treatment plant in Harriman to accommodate additional sewage from the Village of Kiryas Joel's water pipeline project, and the award to the Village of Monticello in Sullivan County, NY of \$21 million in federal funds for sewer and water system improvements. Mr. Nimke made the following observations:

- There is a parallel between what Kiryas Joel is doing and what Tuxedo Reserve if proposing to do. Kiryas Joel wants extra water from the Catskill Aqueduct but does not want to take care of the sewage produced by that extra water.

- Tuxedo Reserve should be demanded to have its sewage treatment plant on its property so that the Town of Tuxedo plant does not have to be responsible.

- The burden of the proposed expansion of the Harriman sewage treatment plant to serve Kiryas Joel would overload the Ramapo River.

**AGENDA ITEMS
(Continued):**

**Resolution
Granting Special
Permit for News
Conference at Duck
Cedar Parking Lot -
02/27/10**

OTHER BUSINESS:

**PUBLIC
COMMENTS**

Towing List

Tuxedo Reserve

**Effects of Harriman
Sewer Expansion on
Tuxedo**

PUBLIC COMMENTS (Continued):

Effects of Harriman Sewer Expansion on Tuxedo (Continued)

Mr. Nimke asked the Board to re-read the "Syllabus on Sewage Treatment Plants" he submitted at the July 27, 2009 Town Board meeting, and he offered his personal assistance to the Town Board.

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 Councilmember Spivak, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers 83 through 116
General Fund Claim totaling \$18,136.32
Part-Town Fund Claim totaling \$7,502.16
Highway Town Wide Claim totaling \$1,482.65
Highway Part-Town Claim totaling \$-0-
Sterling Mine Estates Drainage District Claim totaling \$45.96
Hamlet Sewer District Claim totaling \$199.53
Total abstract amount: \$27,366.62

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

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

EXECUTIVE SESSION

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to recess to executive session at 8:35 p.m. for the purpose of discussing Police personnel matters..

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

The Board reconvened the regular meeting at 9:52 p.m.

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilmember Spivak, to adjourn the meeting at 9:52 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk