

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, February 23, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:44 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 Public Hearings and Regular Bi-Monthly Meeting held on February 9, 2009, as submitted.

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

MONTHLY REPORTS

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Supervisor Dolan acknowledged receipt of the Monthly Reports for January, 2009 from the Police Department.

PUBLIC COMMENTS ON AGENDA ITEMS

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

1. Town Supervisor/Town Board Update

Town Supervisor/ Town Board Update

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

Proposed Rate Increase - United Water South County Sewer

Supervisor Dolan advised that he has met with Mr. Michael J. Pointing, Vice President & General Manager of United Water, concerning a reduction and phase-in of the proposed rate increase. Mr. Pointing will present three of four options for consideration by the Tuxedo and Warwick Town Boards.

- **Draft Comprehensive Plan Update**

Draft Comprehensive Plan Update

Supervisor Dolan advised that the Town Board has received several letters and emails objecting to a proposal in the subject document to change the emergency access road from the proposed Tuxedo Reserve development to a full-access road. He assured the public that he and the Town Board take these and all comments seriously and will review them thoroughly.

- **Removal of Telephone Pole at Train Station**

Removal of Telephone Pole at Train Station

Councilperson Phelps reported that he has made arrangements for Orange & Rockland Utilities to remove a telephone pole that is dangerously close to the train station. He had encountered problems with Verizon and Cablevision which caused some delays, but those seem to have been rectified.

- **Train Station Grand Opening**

Train Station Grand Opening

Supervisor Dolan advised that the grand opening of the renovated train station will take place on Memorial Day and will include the library picnic and appearances by MTA officials as well as Governor Paterson.

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **Tuxedo PTO Dinner/Dance**

Supervisor Dolan informed the public that the Tuxedo Parent/Teacher Organization will hold a Spring celebration on Saturday, March 28, 2009 from 7:00 p.m. to 11:00 p.m. at the ski center. Tickets may be purchased at \$30.00 per person and include dinner and music by a deejay.

2. Resolution Appointing Member to Architectural Review Boards

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that, effective as of January 1, 2009, the Town Board hereby appoints Dale Mottola as a Member of the Architectural review Board, with her term of office to commence immediately and expire on December 31, 2011.

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

3. Resolution Re-Appointing Workers' Compensation Carrier

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Castricone, that the Town Board hereby reappoints the New York State Municipal Workers' Compensation Alliance as its workers' compensation carrier and Wright Risk Management as administrator of the Town's workers' compensation claims, including those previously handled by Triad Group, through the period ending on December 31, 2009.

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

4. Resolution Approving Extension of Special Sign Permit for Tuxedo Place

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby extends from December 31, 2008 to December 31, 2010 the special permit granted to

OTHER BUSINESS:

Resolution Introducing Local Law Entitled "Amendments to Towing Regulations"

BE IT RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, 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

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, March 23, 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: [5] NAYS: [0] ABSENT: [0]

There were no further items of Other Business to come before the Board.

AGENDA ITEMS:
**Town Supervisor/
Town Board Update**
***Tuxedo PTO
Dinner/Dance***

**Resolution
Appointing Member
to Architectural
Review Boards**

**Resolution
Re-Appointing
Workers'
Compensation
Carrier**

**Resolution
Approving Extension
of Special Sign Permit
for Tuxedo Place**

OTHER BUSINESS:

**Resolution
Introducing Local
Law Entitled
"Amendments to
Towing Regulations"**

PUBLIC COMMENTS:

Supervisor Dolan asked for comments from the public.

Proposal for Triathlon in Tuxedo

In answer to a question from Mrs. Dale Mottola Supervisor Dolan advised that, despite his several follow-up calls to race coordinators, no one has provided him with an update about the triathlon proposed to be held in Tuxedo this Fall.

Supervisor Dolan asked for any further comments from the public. There were none.

RESOLUTION AUTHORIZING RECESS INTO EXECUTIVE SESSION

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to recess to executive session at 8:20 p.m. to discuss personnel matters.

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

The Board reconvened the regular meeting at 9:15 p.m.

RESOLUTION OPPOSING NYS LEGISLATION TO AMEND PROCEDURE FOR CHANGING OFFICES OF TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS FROM ELECTIVE TO APPOINTIVE

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

WHEREAS, the Offices of Town Clerk, Receiver of Taxes and Superintendent of Highways in New York State are elective offices pursuant to Section 20 of Town Law of the State of New York, and

WHEREAS, legislation has been introduced in the New York State Legislature, Senate Bill 56-A and Assembly Bill A.156, which has been included in the Budget Bill under Part NN, Sections 26 – 28, which would permit towns to make the offices of Town Clerk, Receiver of Taxes and Highway Superintendent an appointive position subject merely to a permissive referendum; and

WHEREAS, Municipal Home Rule Law §23(e) already provides that a town may adopt a local law changing the offices of Town Clerk, Receiver of Taxes and/or Superintendent of Highways from elected to appointed positions, requiring a mandatory referendum, thereby allowing all of the residents of the Town of Tuxedo their very important right to vote for or against such a proposal before any change could occur; and

WHEREAS, there would be no financial benefit or savings to the Town in making these changes from elective to appointive offices; and

WHEREAS, the election process helps to maintain the independent nature of the offices of Town Clerk, Receiver of Taxes and Highway Superintendent and creates additional checks and balances in local government.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Tuxedo, Orange County, New York, does hereby go on record as steadfastly opposing any change in the existing New York State Statutes, specifically Senate Bill 56-A and Assembly Bill A.156, which have been included in the Budget Bill under Part NN, Sections 26 – 28, providing for a change in the manner in which the positions of Town Clerk, Receiver of Taxes and Superintendent of Highways in the Towns of New York State may be changed from an elected to an appointed position through the simplified process of a permissive referendum, thereby usurping the very important rights of the residents in all New York towns to vote on this matter before a change could occur; and

**PUBLIC
COMMENTS:**

**Proposal for
Triathlon in Tuxedo**

**EXECUTIVE
SESSION**

**RESOLUTION
OPPOSING NYS
LEGISLATION TO
AMEND
PROCEDURE FOR
CHANGING
OFFICES OF TOWN
CLERK, RECEIVER
OF TAXES AND
SUPERINTENDENT
OF HIGHWAYS
FROM ELECTIVE
TO APPOINTIVE**

RESOLUTION OPPOSING NYS LEGISLATION TO AMEND PROCEDURE FOR CHANGING OFFICES OF TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS FROM ELECTIVE TO APPOINTIVE (Continued)

**RESOLUTION
OPPOSING NYS
LEGISLATION TO
AMEND
PROCEDURE FOR
CHANGING
OFFICES OF TOWN
CLERK, RECEIVER
OF TAXES AND
SUPERINTENDENT
OF HIGHWAYS
FROM ELECTIVE
TO APPOINTIVE
(Continued)**

BE IT FURTHER RESOLVED, that this Town Board does exhort our New York State representatives to honor their good offices and preserve the voting rights of the people of this great state by protecting the very basis of democracy upon which this great country was founded, as epitomized in the following quote from the 3rd President of the United States, Thomas Jefferson: *The will of the people is the only legitimate foundation of any government, and to protect its free expression should be our first object*"; and

BE IT FURTHER RESOLVED, that this Town Board does emphatically urge the honorable members of the New York State Assembly and Senate to withdraw these bills and remove them from the Budget Bill; and

BE IT BE FURTHER, RESOLVED, that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Senate Majority Leader, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairs of the Senate and Assembly Local Government Committee, and Tuxedo representatives Senator Thomas P. Morahan, 38th Senate District, and Assemblywoman Annie Rabbitt, 97th Assembly District.

The foregoing resolutions, having been duly moved and seconded, were put to a vote on roll call, which resulted in the following:

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

BUDGET MODIFICATIONS:

There were no budget modifications.

**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:

VOUCHERS

Claim numbers 158 through 263
General Fund Claim totaling \$53,486.11
Part-Town Fund Claim totaling \$10,857.83
Highway Town Wide Claim totaling \$70,631.28
Highway Part-Town Claim totaling \$-0-
Tuxedo Refuse District Claim totaling \$-0-
Hamlet Sewer District Claim totaling \$8,170.33
Total abstract amount: \$143,145.55

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

Authorization for Payment was thereafter signed by Councilpersons Spivak, Phelps and Castricone.

ADJOURNMENT

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:23 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk