

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, March 23, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:51 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. John Norton, Police Sergeant; Mr. Edward Pfizenmaier, Deputy Superintendent of Highways; Mr. David Maikisch, Building Inspector; Mr. Frank Peverly, Zoning Board of Appeals Chairman; Ms. Dale Mottola, Architectural Review Board Member; and Mrs. Elaine M. Laurent, Town Clerk.

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

**MOMENT OF SILENCE HONORING MEMORY OF NANCY VEGA**

A moment of silence and reflection was observed to honor the memory of Nancy L. Vega, a resident of Tuxedo, who passed away on March 17, 2009 at the age of 50. Nancy was co-owner of NJV Auto in Sloatsburg, New York with her husband of 26 years, Nick. She is survived by her husband, her two children, son Nicholas Jr. of Subpac 7 United States Navy, Naval Station Pearl Harbor, Hawaii, and daughter Nicole of Tuxedo, two brothers and many nieces and nephews. She was predeceased by her sister, Shirley Ann Laaninen. Visitation and funeral services were held on Saturday, March 21, at Scarr Funeral Home in Suffern, New York.

**PUBLIC HEARINGS**

Public hearings were held to receive public comments on adoption of a revised Schedule of Senior Citizen Tax Exemptions, which would increase the maximum income ceiling and sliding scale exemptions, and Introductory Local Law #2 of 2009, entitled "Amendments to Towing Regulations."

**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 March 9, 2009, as submitted.

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

**MONTHLY REPORTS**

Supervisor Dolan acknowledged receipt of the Monthly Reports for February, 2009 from the Town Clerk and the Police Department.

**PUBLIC COMMENTS ON AGENDA ITEMS**

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

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

• **Train Station - MTA Funding**

Supervisor Dolan advised that representatives of the Metropolitan Transit Authority inspected the train station on Thursday, March 12, 2009 and requested some minor repairs to the parking lot. The final payment from the MTA, which was underreported as \$250,000 at the last Town Board meeting, will total \$289,000 and should be received shortly.

**MOMENT OF  
SILENCE  
HONORING  
MEMORY OF  
NANCY VEGA**

**PUBLIC HEARINGS**

**MINUTES**

**MONTHLY  
REPORTS**

**PUBLIC COMMENTS  
ON AGENDA ITEMS**

**Town Supervisor/  
Town Board Update  
Train Station - MTA  
Funding**

**AGENDA ITEMS (Continued):**

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

• **Train Station Grand Opening/Memorial Day Events**

Supervisor Dolan advised that the grand opening of the train station will be held on Memorial Day, Monday, May 25, 2009, and that the Tuxedo Library Annual Picnic will take place at the train station on that day as well.

• **Installation of Dugouts at Tichy Field and Powerhouse Park**

Supervisor Dolan announced that professional-style dugouts, similar to those at Cucolo Field at the Suffern Baseball Complex, will be constructed at Tichy Field and Powerhouse Park in the near future. The International Union of Bricklayers and Allied Craftworkers, Local 5, has offered to build the dugouts at no labor cost to the Town, as part of the Union's apprenticeship program. The Town's cost will be for materials only.

• **Baseball Field/Pavilion at Powerhouse Park**

Supervisor Dolan advised that a shipment of clay for the baseball infield at the Powerhouse will be delivered in the next day or so, and construction of the field by the Highway Department will commence soon thereafter. Cement for a new pavilion will be poured this week.

**2. Resolution Adopting Revised Schedule of Senior Citizen Tax Exemptions**

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

**RESOLVED** by the Town Board of the Town of Tuxedo, Orange County, New York, that the following shall constitute the Schedule of Exemptions for Senior Citizen Tax Exemption pursuant to Chapter 88 of the Code of the Town of Tuxedo:

MAXIMUM ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
\$28,000 or less	50%
\$28,001 to \$28,999	45%
\$29,000 to \$29,999	40%
\$30,000 to \$30,999	35%
\$31,000 to \$31,899	30%
\$31,900 to \$32,799	25%
\$32,800 to \$33,699	20%
\$33,700 to \$34,599	15%
\$34,600 to \$35,499	10%
\$35,500 to \$36,400	5%

**AND BE IT FURTHER RESOLVED**, that this Schedule shall remain in effect until superseded by further resolution of the Town Board following public hearing.

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

**3. 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 #2 of 2009 entitled, "Amendments to Towing Law," was introduced before the Town Board of the Town of Tuxedo on February 23, 2009 and, upon notice duly published and/or posted, a public hearing was held on March 23, 2009 before the Town Board; and

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

*Train Station Grand  
Opening/Memorial  
Day Events*

*Installation of  
Dugouts at Tichy  
Field and Powerhouse  
Park*

*Baseball Field/  
Pavilion at  
Powerhouse Park*

**Resolution  
Adopting Revised  
Schedule of Senior  
Citizen Tax  
Exemptions**

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

**AGENDA ITEMS (Continued):**

**3. Resolution Adopting Local Law Entitled “Amendments to Towing Regulations” (Continued)**

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 #2 of 2009 is hereby determined not to have a significant effect on the environment; and be it

FURTHER RESOLVED, that Introductory Local Law #2 of 2009 of the Town of Tuxedo be and hereby is adopted as Local Law #2 of 2009 of the Town of Tuxedo on March 23, 2009.

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

**4. Acknowledgment of Retirement of Joseph P. Tripoli, Sr. as Superintendent of Highways**

The Town Board acknowledged the retirement of Joseph P. Tripoli, Sr., from his position as Superintendent of Highways effective March 30, 2009. Over the last 35 years, Joe has served in the Town Highway Department, rising to Superintendent 16 years ago. Joe’s exemplary service has been invaluable to the Town, and he will be deeply missed.

**5. Resolution Appointing Edward Pfenzenmaier as Superintendent of Highways**

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Spivak, that the Town Board hereby appoints Edward Pfenzenmaier as full-time Superintendent of Highways effective March 31, 2009, at a salary rate to be determined.

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

**6. Resolution Appointing Architectural Review Board Member**

RESOLVED, motion made by Councilperson Castricone, seconded by Councilperson Darling, that, effective as of January 1, 2009, the Town Board hereby appoints Sharon Radulov as a temporary Member of the Architectural Review Board, with her term of office to continue until such time as the Town Board makes a permanent appointment.

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

**7. Reminder of PTO Dinner/Dance**

Supervisor Dolan reminded 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. Councilperson Castricone advised that all proceeds will go to support the Tuxedo School District Garden Initiatives, a horticultural therapy program run by Ann Meore.

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

**OTHER BUSINESS:**

**Resolution Granting Special Sign Permit to Publicize Tuxedo Clean Sweep**

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby issues a special sign permit, for the period of March 24, 2009 through April 26, 2009, to the Tuxedo Chamber of Commerce to place a maximum of fifteen (15) signs measuring up to 20” x 30” at

**AGENDA ITEMS:**

**Resolution  
Adopting Local Law  
Entitled  
“Amendments to  
Towing Regulations”  
(Continued)**

**Acknowledgment  
of Retirement of  
Joseph P. Tripoli, Sr.  
as Superintendent of  
Highways**

**Resolution  
Appointing  
Edward Pfenzenmaier  
as Superintendent of  
Highways**

**Resolution  
Appointing  
Architectural Review  
Board Member**

**Reminder of PTO  
Dinner/Dance**

**OTHER BUSINESS:**

**Resolution  
Granting Special Sign  
Permit to Publicize  
Tuxedo Clean Sweep**

**OTHER BUSINESS (Continued):**

**Resolution Granting Special Sign Permit to Publicize Tuxedo Clean Sweep (Continued)**

various locations throughout the town to publicize Tuxedo Clean Sweep event to be held on Saturday, April 25, 2009 commencing at 8:00 a.m.; PROVIDED, HOWEVER, that all such signs be removed on April 26, 2009.

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

**Announcement of Possible Police Personnel Lay-Offs**

Supervisor Dolan reported with deep regret that, due to dismal economic conditions currently being experienced by the Town of Tuxedo, there is a potential that the Town may have to lay off two police officers. The Town is exploring all avenues to keep these officers on staff. Lengthy discussion ensued.

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

**PUBLIC COMMENTS:**

Supervisor Dolan asked for comments from the public.

**Commendation of Police Sergeants John Norton and Patrick Welsh**

Mrs. Betty-Ann Eberling publicly thanked Police Sergeants John Norton and Patrick Welsh for their commendable actions and service in connection with an incident that occurred recently in her neighborhood which, without the resourcefulness and fine police work of these officers, could have resulted in significant harm to residents. Chief Carlin will place a commendation in each of the Sergeant's personnel files.

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 negotiations of proposed sewer rate increases proposed by United Water South County Sewer.

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

The Board reconvened the regular meeting at 9:02 p.m.

**RESOLUTION OF DETERMINATION IN PETITION BY UNITED WATER SOUTH COUNTY SEWER, INC. FOR SEWER RATE INCREASES**

Supervisor Dolan offered the following resolution and moved its adoption; Councilperson Spivak seconded its adoption.

**WHEREAS**, on December 8, 2008, United Water South County Sewer, Inc., owned and operated by United Water Inc., filed a petition to increase the rates it charges in the Town of Tuxedo; and

**WHEREAS**, the authority of the Town Board is both limited and circumscribed by Transportation Corporations Law §121; and

**WHEREAS**, South County Sewer Corporation's rate increase petition was supported by a rate study prepared by Guastella Associates, Inc., 6 Beacon Street, Suite 410, Boston, MA 02108; and

**OTHER BUSINESS  
(Continued):**

**Resolution  
Granting Special Sign  
Permit to Publicize  
Tuxedo Clean Sweep  
(Continued)**

**Announcement of  
Possible Police  
Personnel Lay-Offs**

**PUBLIC  
COMMENTS:**

**Commendation of  
Police Sergeants  
John Norton and  
Patrick Welsh**

**EXECUTIVE  
SESSION**

**RESOLUTION OF  
DETERMINATION  
IN PETITION BY  
UNITED WATER  
SOUTH COUNTY  
SEWER, INC. FOR  
SEWER RATE  
INCREASES**

**RESOLUTION OF DETERMINATION IN PETITION BY UNITED WATER SOUTH COUNTY SEWER, INC. FOR SEWER RATE INCREASES (Continued)**

**WHEREAS**, on February 2, 2009, the Town of Tuxedo Town Board held a joint public hearing with the Town of Warwick Town Board concerning the proposed rate increase; and

**WHEREAS**, South County Water Corporation was represented by Albert C. Natoli, Esq., 233 Broadway, Suite 810, New York, NY 10279, who made a presentation in support of the rate increase; and

**WHEREAS**, the public was permitted to participate, comments were heard, and correspondence relating to the increase was filed; and

**WHEREAS**, South County Sewer Corporation submitted additional documentation in response to questions raised by the Town and the public; and

**WHEREAS**, no application for a rate increase had been made in many years; and

**WHEREAS**, South County Sewer Corporation has made substantial improvements to its wastewater system, albeit without compliance with Transportation Corporations Law §118; and

**WHEREAS**, in its petition, South County Sewer Corporation presented a rate increases of seventy-three percent (73%) and proposed a mandatory escalator; and

**WHEREAS**, within the limited role of the Town Board pursuant to Transportation Corporations Law §121, and the cases cited thereunder, the Town nevertheless seeks to mitigate the impact of such rate increase within the parameters by which it is limited;

**NOW, THEREFORE, BE IT RESOLVED**, that, in accordance with the evidence presented and the testimony produced, and in accordance with the requirements of statutes and laws of this state, the Town Board of the Town of Tuxedo determines as follows:

1. That the rate charged by South County Sewer Corporation is increased by forty-five percent (45%), effective April 1, 2009, and the rate is further increased by nineteen percent, together with a carrying charge not to exceed five and three-quarters percent (5.75%), effective April 1, 2010; and
2. On or before March 15th of each calendar year hereafter, South County Sewer Corporation shall file with the Town of Tuxedo certified financial statements reflecting, at a minimum, its costs, expenses, income and net profits for the calendar year preceding such date; and
3. South County Sewer Corporation is admonished to comply with Transportation Corporations Law §118 with respect to any future improvement of the sewage treatment system; and
4. The tariff presented shall be amended by the deletion of §7.8.2 entitled "Rate Escalator" and by conforming Appendix 1 to reflect the revised rate increases stated in Item 1 hereinabove. No further increases or surcharges shall be permitted except by further application pursuant to Transportation Corporations Law §121; and
5. South County Sewer Corporation shall be permitted to file its Amended Tariff with the Town in accordance herewith.

The foregoing resolution, having been duly moved and seconded, was put to a vote on roll call, which resulted as follows:

**Adopted:** AYES: [ 4 ] NAYS: [ 1-Councilperson Castricone ] ABSENT: [ 0 ]

**RESOLUTION OF DETERMINATION IN PETITION BY UNITED WATER SOUTH COUNTY SEWER, INC. FOR SEWER RATE INCREASES (Continued)**

**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 356 through 443  
General Fund Claim totaling \$64,728.25  
Part-Town Fund Claim totaling \$17,992.77  
Highway Town Wide Claim totaling \$10,213.04  
Highway Part-Town Claim totaling \$1,384.50  
Tuxedo Refuse District Claim totaling \$-0-  
Hamlet Sewer District Claim totaling \$3,131.32  
Total abstract amount: \$97,449.88

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

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

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Spivak, to adjourn the meeting at 9:10 p.m.

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

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

**BUDGET  
MODIFICATIONS:**

**VOUCHERS**

**ADJOURNMENT**