

The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, April 13, 2009 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:43 p.m.

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

Town Board Members Absent:	Mr. Daniel Castricone	Councilperson
	Ms. Lisa Spivak	Councilperson

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. John P. Norton, Police Sergeant; Mr. Edward Pfizenmaier, Acting Superintendent of Highways; Mr. Michael Marusich, Highway Working Leader; Mr. David Maikisch, Building Inspector; Messrs. Frank Peverly and Andrew Rogers, Zoning Board of Appeals Chairman and Member, respectively; 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 MARY ANN JONES

A moment of silence and reflection was observed to honor the memory of Mary Ann Elizabeth Jones, a life-long Tuxedo resident who passed away on April 9, 2009. Mary Ann was born in Tuxedo on July 14, 1946 to John and Helen Kovaly. She is survived by her husband of 44 years, Fred Jones, who served as a Tuxedo Police Commissioner; her children Jennifer, Fred and Stefany; her grandchildren Ashley, Taylor, Alyssa and Juliana, her father and two sisters. A Celebration of Life will be held at St. Elizabeth's Chapel in Eagle Valley on Saturday, April 18 at 11 a.m., followed by a memorial luncheon at Sterling Forest Fire House.

MINUTES

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, to accept the Town Board Minutes of the Public Hearings and the Regular Bi-Monthly Meeting held on March 23, 2009, as submitted.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2] ABSTAIN: [0]

MONTHLY REPORTS

Supervisor Dolan acknowledged receipt of the Monthly Reports for March, 2009 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.

Lengthy discussion was held with Mr. Donald Blum of Laurel Ridge concerning United Water's sewer rate increase petition and the increase itself.

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

1. Town Supervisor/Town Board Update

• **Western Ramapo Wastewater Treatment Plant**

Supervisor Dolan advised that discussions continue regarding the possibility of the Town of Tuxedo hooking up to the plant in Hillburn.

MOMENT OF SILENCE HONORING MEMORY OF MARY ANN JONES

MINUTES

MONTHLY REPORTS

PUBLIC COMMENTS ON AGENDA ITEMS

**Town Supervisor/
Town Board Update

Western Ramapo
Wastewater Treatment
Plant**

AGENDA ITEMS (Continued):

1. Town Supervisor/Town Board Update (Continued)

• **Use by Town Residents of Health Center in Hillburn**

Supervisor Dolan advised that he has contacted Ramapo Town Supervisor Christopher St. Lawrence and is aggressively pursuing an arrangement whereby residents of Tuxedo may use the facilities at the Joseph t. St. Lawrence Community, Health & Sports Center in Hillburn at the same discounted rate as Ramapo residents. Supervisor Dolan is optimistic that efforts will yield favorable results.

• **Cell Tower Installation**

Councilperson Darling reported that, after negotiations with Verizon fell through for a tower installation on Contractors Road, he contacted JNS Towers, as reported at a prior meeting. JNS has sent a proposed contract, which has been referred today to Town Counsel for review and comment.

2. Resolution Granting Special Permit for Cycling Club Race on August 1, 2009

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, 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 to Westwood Velo Cycling Club, 45 Park Street, Montclair, NJ 07042, allowing for the use of Long Meadow Road in the Town of Tuxedo during its bicycle time trial event to be held on Saturday, August 1, 2009; 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 10 days prior to the commencement of the activities; and be it

FURTHER RESOLVED, that the applicant is hereby instructed that all bicycling and related event activities on Long Meadow Road should cease by 11:00 a.m., and in no circumstances later than 12:00 noon; and be it

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

FURTHER RESOLVED, that all of the foregoing be accomplished to the satisfaction of the Building Inspector and the Police Chief.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

3. Resolution Amending Resolution of Determination in United Water Sewer Rate Petition

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby amends its Resolution of Determination in Petition by United Water South County Sewer, Inc. for Sewer Rate Increases, adopted on March 23, 2009, in the following three respects:

1. In the fifth "Whereas" clause, correct Attorney Natoli's middle initial to "A";
2. In the second enumerated paragraph of the resolution, change the word "certified" to "accurate" before the words "financial statement"; and
3. In the third enumerate paragraph of the resolution, substitute the words "admonished to comply with" with "reminded of the terms of" prior to "Transportation Corporations Law."

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

4. Resolution Establishing Position of Working Leader and Appointing Michael Marusich Thereto

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board hereby creates the position of Working Leader in the Town of Tuxedo Highway Department, in accordance with the Highway Unit Collective Bargaining Agreement and in conformance with the Municipal Job Classification Specification, Title #1780, issued by the County of Orange Personnel Department; and be it

AGENDA ITEMS (Continued):

4. Resolution Establishing Position of Working Leader and Appointing Michael Marusich Thereto (Continued)

FURTHER RESOLVED, that, on the recommendation of the Acting Highway Superintendent, the Town Board hereby appoints Michael Marusich as Highway Department Working Leader effective April 13, 2009, at a salary of \$29.66 per hour, acknowledging his management qualifications and his skills in safety, maintenance and emergency training, and his sewer department knowledge.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

5. Reminder of Town-Wide Operation Clean Sweep - April 25, 2009

Supervisor Dolan reminded the public that Operation Clean Sweep, a volunteer roadside clean-up event throughout the town, will be held on Saturday, April 25, 2009. Registration will be held at the Tuxedo Town Hall on that day from 7:30 a.m. to 9:00 a.m.. Participants will receive a souvenir t-shirt, clean-up supplies and refreshments. To pre-register or for more information, email sweep@tuxedochamber.org or call 845-351-5739.

6. Reminder of Memorial Day Parade/Library Picnic and Train Station Grand Opening - May 25, 2009

Supervisor Dolan reminded the public that the grand opening of the Train Station, sponsored the by Tuxedo Train Station Committee and the Friends of the Restoration Project, will take place following the Memorial Day Parade and Ceremonies on Monday, May 25, 2009. The parade will step off at 11:30 a.m. from the Tuxedo High School, followed by closing ceremonies at St. Mary's-in-Tuxedo Episcopal Church. The grand opening, which will coincide with the Library annual picnic, will take place at the train station beginning at 1:00 p.m. There will be activities for children, tastings from the Farmers' Market, and an open house tour of the renovated train station.

OTHER BUSINESS:

Resolution Authorizing Retaining Special Counsel in Police Arbitrations

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, that the Town Board hereby authorizes the retaining of Richard A. Glickel, Attorney at Law, Two Crosfield Avenue, Suite 103, West Nyack, New York, 10994, to act as Special Counsel to defend the Town's interests in two arbitration cases brought by former police officers John Tamburello and Brandon King, respectively, at the fee rate outlined in the retainer letter on file in the Town Clerk's office.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

Resolution Authorizing Justice Court Personnel Promotions

RESOLVED, motion made by Supervisor Dolan, seconded by Gary Phelps, that the Town Board hereby authorizes the following Justice Court personnel promotions, effective April 20, 2009, to the position and at the pay rates and increased workweek hours indicated below:

<u>Name</u>	<u>Position</u>	<u>Workweek Hours</u>	<u>Rate of Pay</u>
Elizabeth Smith	Full-Time Supervisory Court Clerk	35 hours	\$39,999.99 per annum
Claire Squillini	Part-Time Justice Clerk	29 hours	\$27,671.80 per annum
Mary Stalnaker	Part-Time Court Clerk	29 hours	\$24,680.96 per annum

The Town Board acknowledged that these promotions, hour adjustments and salary increases recognize these individuals for their loyal and conscientious service to the Town and their assumption of expanded duties, as well as the staffing reduction of the Justice Department from four to three employees following the retirement of Sandra Boss on March 10, 2009.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

AGENDA ITEMS:

**Resolution
Establishing Position of
Working Leader and
Appointing
Michael Marusich
Thereto (Continued)**

**Reminder of Town-
Wide Operation Clean
Sweep - April 25, 2009**

**Reminder of Memorial
Day Parade/Library
Picnic and Train Station
Grand Opening -
May 25, 2009**

OTHER BUSINESS:

**Resolution
Authorizing Retaining
Special Counsel in
Police Arbitrations**

**Resolution
Authorizing Justice
Court Personnel
Promotions**

OTHER BUSINESS:

OTHER BUSINESS (Continued):

Resolution Approving Installment Purchase Agreement for Dump Truck

**Resolution
Approving Installment
Purchase Agreement
for Dump Truck**

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the Town Board, having determined that a true and very real need exists for the acquisition of one (1) 2010 GU712 Mack Dump Truck (the "Equipment"), hereby determines that the Installment Purchase Agreement (the "Agreement") between Kansas State Bank of Manhattan and the Town, substantially in the form presented to this meeting, is in the best interests of the Town for the acquisition of such Equipment, and the Town Board hereby approves the entering into of the Agreement by the Town and hereby designates and authorizes the Town Supervisor and the Town Clerk to execute and deliver the Agreement on the Town's behalf, with such changes thereto as the Town Supervisor and Town Clerk deem appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transaction contemplated by the Agreement.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

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

PUBLIC COMMENTS:

**PUBLIC
COMMENTS:**

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

BUDGET MODIFICATIONS:

**BUDGET
MODIFICATIONS:**

There were no budget modifications.

VOUCHERS

VOUCHERS

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers 443 through 560
General Fund Claim totaling \$114,270.51
Part-Town Fund Claim totaling \$29,271.88
Highway Town Wide Claim totaling \$11,124.88
Highway Part-Town Claim totaling \$-0-
Special Drainage District-Sterling Mine Estates Claim totaling \$269.45
Tuxedo Refuse District Claim totaling \$30,951.00
Hamlet Sewer District Claim totaling \$2,549.61
Total abstract amount: \$188,437.30

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

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

ADJOURNMENT

ADJOURNMENT

RESOLVED, motion made by Supervisor Dolan, seconded by Councilperson Darling, to adjourn the meeting at 8:22 p.m.

Adopted: AYES: [3] NAYS: [0] ABSENT: [2]

Meeting adjourned.

Respectfully submitted,

Elaine M. Laurent
Town Clerk