

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
January 22, 2024

Supervisor McMillen called to order the Town Board Meeting of January 22, 2024 at 7:00pm.

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

Town Board Members Present:	Mr. Dave McMillen	Supervisor
	Mr. Rick Marsh	Deputy Supervisor
	Mr. Jay Reichgott	Councilmember
	Ms. Deirdre Murphy	Councilmember (via Zoom)
	Mr. Chris Kasker	Councilmember

Town Board Member Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present in person:

Ms. Amy Levine, Town Attorney; Mr. Robert Dollbaum, Highway Superintendent; Police Chief John Trazino

Public Comment(s) on Agenda Items

There were no public comments.

Agenda Item #1 -

**TOWN OF TUXEDO TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION
TUXEDO HAMLET SEWER DISTRICT IMPROVEMENTS**

WHEREAS: The Town Board has considered and evaluated the potential environmental impact of proposed improvements to the Tuxedo Hamlet Sewer District facilities. The Town Board, acting pursuant to the State Environmental Quality Review Act (SEQR) and the SEQR Regulations, has reviewed and evaluated the information and documents pertaining to the Board's SEQR review of this proposed project in order to issue this SEQR Negative Declaration.

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THEREFORE, IT IS RESOLVED as follows:

Name of Action:	Tuxedo Hamlet Sewer District Improvements
SEQR Status:	Unlisted
Site Location:	Sewer pipes and manholes throughout the Sewer District. Map attached to EAF Part 1 and detailed mapping in Engineer's Plan and Report.

Description of Action:

Installation of approximately 4,700 linear feet of cast-in-place pipe (CIPP), approximately 500 linear feet of open-cut sanitary sewer pipe replacement and approximately 32 manholes to be rehabilitated through sealing, plugging and/or patching.

Reasons Supporting This Determination:

In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and evaluated relevant areas of potential environmental concern to determine whether this action may have a significant adverse impact on the environment. The Board has reviewed the engineer's plan and report, the short Environmental Assessment Form Part 1 and recommended Part 2 prepared by the project's professional consulting engineer, and all Board members are familiar with the proposed project and the area. The EAF Part 1 notes that the project site is located in or adjacent to sensitive archeological or historic sites; such sites are the Library building, bank building and train station. The project will have no adverse impact on such sites.

The project's professional engineer, in his preparation of EAF Part 2, advises that there will be no or small adverse environmental impact. After careful review, evaluation and consideration, the Board is not aware of any evidence of any potential significant adverse environmental impacts that may be caused by this action. The work will be performed in a workmanlike manner by a responsible construction contractor pursuant to engineer-designed plans. Accordingly, the Board determines that this action will not cause an adverse environmental impact, and this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the SEQR Regulations.

This Negative Declaration is prepared in accordance with Article 8 of the state Environmental Conservation Law.

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Contact Person:

Dave McMillen, Town Supervisor
Town of Tuxedo
1 Temple Drive
Tuxedo, New York 10987
Tel. No. (845) 351-4411 Ext. 5
Email: Supervisor@tuxedogov.org

A copy of this SEQR Negative Declaration shall be sent to:

Town Clerk
Town of Tuxedo
1 Temple Drive
Tuxedo, New York 10987

On a motion by Supervisor McMillen, seconded by Councilmember Reichgott, the foregoing resolution is adopted by a vote of 5 Ayes, 0 Nays.

Agenda Item #2 - Resolution and Order Authorizing Increase and Improvement of Facilities

-----X

In the Matter of
The Increase and Improvement of Facilities of
Tuxedo Hamlet Sewer District in the Town of
Tuxedo, Orange County, New York, Pursuant
To Article 12 of the Town Law

-----X

WHEREAS, this Board has received and reviewed a professional engineer's map, plan and report prepared by Hoffman Engineering, professional consulting engineers licensed in the State of New York, concerning improvements to the facilities of the Tuxedo Hamlet Sewer District; and

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WHEREAS, this Board duly caused the posting and publication of notice of public hearing concerning said increase and improvement of facilities of the Tuxedo Hamlet Sewer District; and

WHEREAS, said notice specified December 27, 2023, at 7:00 PM at the Town Hall as the date, time and place of the public hearing, and further specified that the maximum estimated cost of said increase and improvement of facilities is \$994,500.00, which includes construction costs, 15% construction contingencies and engineering and legal expenses; and

WHEREAS, the public hearing was duly held on December 27, 2023, and all persons interested were given an opportunity to be heard.

NOW, THEREFORE, IT IS RESOLVED that, as set forth in this Board's Resolution of Negative Declaration, said increase and improvement of facilities of the Tuxedo Hamlet Sewer District will not have a significant adverse impact on the environment.

IT IS FURTHER RESOLVED that said increase and improvement of facilities is in the public interest and is authorized. All costs and expenses shall be a charge against District properties and shall be assessed, levied and collected in the same manner as other capital charges against District properties.

IT IS FURTHER RESOLVED that this Board directs the filing of a certified copy of this Resolution and Order in the Orange County Clerk's office.

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the adoption of the foregoing was duly put to a vote as follows:

	Aye	Nay	Absent
Dave McMillen, Town Supervisor	X	_____	_____
Rick Marsh, Councilperson	X	_____	_____
Jay Reichgott, Councilperson	X	_____	_____
Deirdre Murphy, Councilperson	X	_____	_____
Chris Kasker, Councilperson	X	_____	_____

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Agenda Item #3 – Bond Resolution for the Tuxedo Hamlet Sewer District Improvements

BOND RESOLUTION OF THE TOWN OF TUXEDO, ADOPTED JANUARY 22, 2024, APPROPRIATING \$994,500.00 FOR THE IMPROVEMENT OF FACILITIES OF TUXEDO HAMLET SEWER DISTRICT IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$994,500.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION.

WHEREAS, following preparation of a plan and report for improvement of facilities of Tuxedo Hamlet Sewer District (hereinafter called “District”), in the Town of Tuxedo (hereinafter called “Town”), in the County of Orange, New York, including installation of approximately 4,700 linear feet of cast-in-place pipe, and approximately 500 linear feet of open-cut sanitary sewer pipe and rehabilitation of 32 manholes and necessary appurtenances, and after a public hearing duly called and held, the Town Board determined that it is in the public interest to so improve the facilities of the District, and ordered that such facilities be so improved; now, therefore,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF TUXEDO IN THE COUNTY OF ORANGE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$994,500.00 for the improvement of facilities of the District, all in accordance with the plan and estimate prepared by duly licensed engineers of the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs, cost of maps, plans, surveys, estimates, advertisements, legal documents and costs incidental thereto and the financing thereof, is \$994,500.00 and the plan of financing includes the issuance of \$994,500.00 serial bonds of the Town and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$994,500.00 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

a) The period of probable usefulness of the aforesaid specific object or purpose for

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which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00a.1 of the Law, is forty (40) years.

b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00d.4 of the Law.

c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

d) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution and any notes in anticipation thereof shall contain recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sec. 21.00, relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and pursuant to the provision of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Sec. 50.00 and Sec. 56.00 and 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and relative to providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose of which the Town is not authorized to expend money, or

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(b) the provisions of the law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Section 8. The object or purpose described in Section 1 hereof has been determined to be an Unlisted action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, with respect to which said Town Board has made a “Negative Declaration.”

Supervisor McMillen and seconded by Deputy Supervisor Marsh offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF TUXEDO IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the TIMES HERALD RECORD, a newspaper published in Tuxedo, New York, the official newspaper of said Town and having a general circulation therein, together with Notice attached in substantially the form as prescribed by Sec. 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

	Aye	Nay	Absent
Dave McMillen, Town Supervisor	X	_____	_____
Rick Marsh, Deputy Supervisor	X	_____	_____
Jay Reichgott, Councilperson	X	_____	_____
Deirdre Murphy, Councilperson	X	_____	_____
Chris Kasker, Councilperson	X	_____	_____

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Agenda Item #4 - Increase hourly wage for seasonal laborers

On a motion made by Deputy Supervisor Marsh, and seconded by Supervisor McMillen that the Town Board of the Town of Tuxedo hereby approves a 3% increase to the hourly rate of Seasonal Laborers.

The foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

Agenda Item #5 - Resolution Authorizing the Advertisement to solicit for a Grant Writer

Whereas the Town is in need of procuring services for a Grant Writer; and Whereas the Town board has caused a bid package and specifications to be prepared; now therefore Be it Resolved that the Town Board approves the bid package and specifications and authorizes the Town Clerk to advertise for bids, with a bid opening date of Wednesday, February 7, 2024 at 12pm.

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

Discussion Items

1. Security System Upgrades for Town Hall

On a motion made by Deputy Supervisor Marsh and seconded by Councilperson Murphy that the Town Board of the Town of Tuxedo hereby approves the installation of panic buttons and security cameras by Electrolock Inc. for a cost of up to \$15,000.00 as listed in the quote dated January 10, 2024 (funds are to be used from ARPA).

The foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

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2. **6-week chair yoga program**

On a motion made by Deputy Supervisor Marsh and seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo hereby approves a 6-week Chair Yoga Program for the total cost of \$300.00 (A.7020.400) at on the following Wednesdays at 1:00pm:

January 24
January 31
February 7
February 14
February 21
March 6

3. **Update on Police Station Repairs**

Deputy Supervisor Marsh met with Town Engineer Sean Hoffman and Chief Trazino to review the repairs needed at the Police Station in Southfields.

On a motion made by Deputy Supervisor Marsh and seconded by Councilperson Kasker, the Town Board of the Town of Tuxedo hereby authorizes Sean Hoffman to write a Request For Proposals (RFP) for repairs needed at the Police Station.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

(Supervisor McMillen stepped away at 7:48pm, and was not present for the vote.)

4. **Park Mobile and Commuter Parking Lot Update**

Deputy Supervisor Marsh reported that twenty parking tickets were issued last Friday. He will follow up with ParkMobile to see if there are other options for enforcement for the Commuter Parking Lot.

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Monthly Reports

Supervisor McMillen is in receipt of the following monthly reports:

Justice Court
Town Clerk

Deputy Supervisor Marsh is in receipt of the following monthly report:

Police Department

Department Update

Robert Dollbaum, Highway Superintendent recently met with the DEC, Town Engineer Sean Hoffman, and Building Inspector Chris Watson at the Wastewater Pump Station. They discussed different options to find a solution for the issue of rising water. One solution is for the Highway Dept. to build a temporary wall. Highway Superintendent will get an estimate for the materials. His department continues to salt and plow as necessary. They are trimming trees on Benjamin Meadow Road. The front-line plow is now repaired and they are back to full strength with their equipment. He gave a reminder for the annual bonfire is Saturday January 27th at Powerhouse Park.

Minutes

Motion made by Supervisor McMillen, seconded by Councilmember Kasker, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on January 8, 2024.

The foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

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VOUCHERS

Below are the vouchers totaling \$5000 or greater:

2012922665	Hoffman Services, Inc.	26806.67	Repairs to Lift
2012922720	Global Montello Group	5919.01	Diesel & Fuel December 2023
2012922736	Mohawk Lifts LLC	20656.95	New Lift and Installation
2012922741	Town of Tuxedo	7616.93	Fuel & Diesel Highway Nov/Dec 2023
2012922742	Town of Tuxedo	5611.66	Fuel & Diesel Police Nov/Dec 2023
2012922745	J&G Law LLP	6954.58	Legal Services December 2023
2012922749	Corrosion Products & Equipment	9500.00	Flow Study
2012922776	IWS of New York	32441.09	December 2023 Garbage & Recycling
2012922780	H2O Innovation Operation & Maintenance	7017.59	December Monthly Fee & Testing
2012922748	New York State Insurance Fund	5,747.95	January 2024 Workers Comp
2012922766	Rockland Paramedic Services Inc.	65,724.36	Paramedic Services Jan 2024
2012922772	Benistar	5,484.05	Feb 2024 Retiree Health Insurance
2012922774	MVP Health Care	6,033.60	Jan 2024 Town Hall & Elected Health insurance
2012922786	IBEW Local 363 Welfare Fund	12,940.00	Highway Health Insurance January 2024

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Marsh, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012922716 through 2012922787 and also includes 2012922665 and 2012922688

General Fund:	\$169,720.22
Part-Town Fund:	\$14,306.25
Highway Town Wide:	\$27,508.40
Highway Part Town	\$11,895.60
Refuse and Garbage	\$32,441.09
Hamlet Sewer District	\$17,014.84
Trust and Agency	\$799.50
Total Abstract Amount:	\$273,685.90

The foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

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PUBLIC COMMENTS

- Jerry Mottola asked for a contact person on the Board for the Town to consider leasing the space next to the Tuxedo Post Office.
- Dale Mottola said the Tuxedo Chamber of Commerce plans on starting their regular meetings again starting on Thursday, March 14th. She asked if they could use the Train Station. The board agreed that the Chamber can resume their meetings at the Train Station and the rental fee is waived.
- Deputy Mayor Michele Lindsay asked to set up a date to update the Board on Climate Smart Community Task Force and Community Choice Aggregation initiatives.
- Resident Evelyn David asked if anything can be done about the Ramapo River being cleaned up in the Sloatsburg area.

Executive Session to discuss the appointment of personnel

Supervisor McMillen made a motion to enter into an Executive Session at 8:16pm.

Supervisor McMillen made a motion to exit the Executive Session and re-enter the Public Meeting at 9:08pm.

No action was taken during Executive Session.

Agenda Item #6 – Appoint Animal/Dog Control Officer

Whereas the Town is in need of filling the open position of a part-time **Animal/Dog Control Officer**; and whereas the Town has received an application and received pre-approval from Orange County Civil Service for John A. Trazino; now therefore be it resolved that the Town Board appoints John A. Trazino as a part-time Animal/Dog Control Officer effective January 23, 2024 (Civil Service #1020 - Non-Competitive - Budget Code A3510.1 for \$8,221.00)

On a motion made by Councilmember Kasker and seconded by Supervisor McMillen, the foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

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Appointment of Planning Board Members

Whereas there are open positions on the Planning Board; and

Whereas the following candidates have expressed interest in filling those positions and assuming the responsibilities and participation associated with the Planning Board;

NOW THEREFORE BE IT RESOLVED

That the following are appointed to the Planning Board

Name: John Banyo (Chair) Term Expires: 12/31/2028
Name: John Ruel Term Expires: 12/31/2028
Alternate: James Carse Term Expires: 12/31/2024

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

Appointment of Zoning Board of Appeals Members

- Whereas there are open positions on the Zoning Board of Appeals; and

Whereas the following candidate expressed interest in filling the position and assuming the responsibilities and participation associated with the Zoning Board of Appeals;

NOW THEREFORE BE IT RESOLVED

That the following are appointed to the Zoning Board of Appeals

Name: Maria May Term Expires: 12/31/2027

On a motion made by Supervisor McMillen and seconded by Councilperson Reichgott, the foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

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- Whereas there are open positions on the Zoning Board of Appeals; and

Whereas the following candidate expressed interest in filling the position and assuming the responsibilities and participation associated with the Zoning Board of Appeals;

NOW THEREFORE BE IT RESOLVED

That the following are appointed to the Zoning Board of Appeals

Name: Sharon Radulov Term Expires: 12/31/2028

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

- Whereas there are open positions on the Zoning Board of Appeals; and

Whereas the following candidate expressed interest in filling the position and assuming the responsibilities and participation associated with the Zoning Board of Appeals;

NOW THEREFORE BE IT RESOLVED

That the following are appointed to the Zoning Board of Appeals

Alternate: Peter Dolan Term Expires: 12/31/2024

On a motion made by Supervisor McMillen and seconded by Councilperson Reichgott, the foregoing resolution was adopted on a vote of 4 ayes and 0 nay, 1 abstain.

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Appointment of Building Inspector

That David Maikisch is re-appointed to the part-time position of **Building Inspector III** (Civil Service #1104 - Competitive) at the hourly rate of \$48.00 per hour for 32hours per week (1664 hours annually). Budget Code B3620.1 for \$79,872.00.

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the adoption of the foregoing was duly put to a vote as follows:

	Aye	Nay	Absent
Dave McMillen, Town Supervisor	X	_____	_____
Rick Marsh, Deputy Supervisor	X	_____	_____
Jay Reichgott, Councilperson		X	_____
Deirdre Murphy, Councilperson	X	_____	_____
Chris Kasker, Councilperson	X	_____	_____

ADJOURNMENT

Motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, to adjourn the meeting at 9:20pm.

The foregoing resolution was adopted on a vote of 5 ayes and 0 nays.

Respectfully submitted,

Marisa Dollbaum

Town Clerk
Town of Tuxedo