

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
February 12, 2024

Supervisor McMillen called to order the Town Board Meeting of February 12, 2024 at 7:01pm.

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
	Ms. Deirdre Murphy	Councilmember
	Mr. Chris Kasker	Councilmember

Town Board Member Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present in person:

Mr. Russ Shaver, Zoning Board Member

Other Town Officials Present via Zoom:

Mr. Howard Protter, Town Attorney, Mr. Frank Peverly, Zoning Board Chairman

A Moment of Silence was held for the passing of John Richard Vingiello who served as a Tuxedo Town Justice from 1985-2005.

Public Comment(s) on Agenda Items

There were no public comments.

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Agenda Item #1 – Resolution to add roads to Town Highway Inventory

Whereas the town maintains certain roads within its jurisdiction and regularly supplies an inventory of these roads to New York State;

And whereas the town has identified certain roads that were inadvertently omitted from the inventory despite being maintained by the town for many years;

And whereas the town has identified the following roads and portions of roads, previously omitted from the inventory, as shown in the attached form:

1. Juniper Terrace
2. Katrina Court
3. Spartan Place
4. Chapel Turn Road
5. Patterson Hill Road
6. Nolan's Way

Now, therefore, be it resolved that the town board confirms the maintenance of the aforementioned roads by the town on a regular basis and approves their addition to the inventory.

On a motion by Supervisor McMillen, seconded by Deputy Supervisor Marsh, the foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #2 - Accept Employee Resignations

On a motion made by Supervisor McMillen seconded by Deputy Supervisor Marsh that the Town Board of the Town of Tuxedo hereby accepts the resignations of Jay Reichgott, Town Councilperson as of January 23, 2024 and Margaret Carey, Part-time Police Officer as of January 9, 2024.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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Agenda Item #3 – RESOLUTION FOR WORKERS' COMPENSATION CLAIM PROCESSING

WHEREAS, Section 300.26 of Title 12 NYCRR mandates all WC benefit payers to offer direct deposit of WC indemnity benefits and death benefits to beneficiaries;

WHEREAS, the Town currently operates on a voucher system with its service provider, Wright Risk Management;

WHEREAS, Wright Risk Management (WRM) can ensure the Town's compliance with this new requirement by facilitating direct deposit;

NOW, THEREFORE, BE IT RESOLVED that the town authorizes Wright Risk Management to issue payment of all WC benefits on its behalf from its designated Workers' Compensation account and to utilize its partner, VPay, for all electronic payments.

On a motion made by Supervisor McMillen and seconded by Councilperson Murphy, the foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #4 - Ceiling repairs in Town Hall

On a motion made by Supervisor McMillen seconded by Deputy Supervisor Marsh that the Town Board of the Town of Tuxedo hereby approves the various ceiling repairs needed at Town Hall as listed in the quote dated November 3, 2023 by Professional Brush Works in the amount of \$5,600.00 from the ARPA fund.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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Agenda Item #5 - Allow Sale of Raffle Tickets for the Onyx and Breezy Foundation

On a motion made by Supervisor McMillen, seconded by Councilmember Murphy, the Town Board of the Town of Tuxedo does hereby consent to allow the sale of raffle tickets in the Town of Tuxedo by the Onyx and Breezy Foundation during the 2024 calendar year in accordance with Section 189 Subdivision 13 of the General Municipal Law.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #6 - Sewer School expenses for Highway Employee Shane Smith

a. Resolution approving reimbursement to Shane Smith for attending Basic Wastewater Certification Course

On a motion made by Deputy Supervisor Marsh, seconded by Supervisor McMillen that the Town Board of the Town of Tuxedo hereby approves reimbursement to Shane Smith for attending Basic Laboratory Procedures Course hosted by Jamestown Community College. This course will provide instruction for Basic Wastewater operation to individuals seeking to become certified and follows the DEC curricula guide for wastewater treatment plant operators.

Mileage @0.67/mi = \$423.44

Hotel = \$736.00

Meals @ \$50/day= \$250.00

Tuition = \$575.00

Materials = \$19.99

Total Charges: \$2004.43

Billed to SS.8130.401

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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b. Resolution approving Shane Smith to attend Basic Wastewater Certification Course

On a motion made by Deputy Supervisor Marsh, seconded by Supervisor McMillen that the Town Board of the Town of Tuxedo hereby approves Shane Smith to attend Activated Sludge Wastewater Treatment Process class hosted by SUNY Buffalo State from 2/26/24-3/1/24 for a cost up to \$2,100.00. This course will provide instruction for Basic Wastewater operation to individuals seeking to become certified and follows the DEC curricula guide for wastewater treatment plant operators.

Suny Buffalo State	\$525.00
Hotel	\$804.55
Food	\$250.00
Mileage (732 RT)	\$490.44
Total	\$2,069.99

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #7 - Appoint Parks and Recreation Advisory Board

Whereas there are open positions on the Parks and Recreation Advisory Board; and

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

NOW THEREFORE BE IT RESOLVED

That the following are appointed to the Parks and Recreation Advisory Board

Name	Title	Term Expiration
Maria May	Chairperson	12/31/2026
John Sandak	Member	12/31/2026
Linda Pallack	Member	12/31/2026
Michelle Calcaterra	Member	12/31/2025
Kendra Saari-Poznanski	Member	12/31/2025
Gonul Kamfoi	Member	12/31/2024
Dina Comolli	Member	12/31/2024

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On a motion made by Supervisor McMillen and seconded by Councilmember Murphy, the foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #8 - Central Monitoring Agreement for Town Hall

On a motion made by Supervisor McMillen, seconded by Councilmember Murphy that the Town Board of the Town of Tuxedo hereby approves entering into an agreement with Electrolock Inc. to provide monitoring of the Security System at Town Hall for the cost of \$49.00 per month.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #9 - Award Grant Writer Bid Proposal

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Marsh that the Town Board of the Town of Tuxedo hereby accepts the bid proposal submitted by F.J. Rella and Company, LLC in the amount of \$50,000/year (month to month contract) to provide Grant Writing services.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Agenda Item #10 - Budget Modifications

On a motion made by Supervisor McMillen, seconded by Councilmember Kasker, the Town Board of the Town of Tuxedo hereby approves the budget modifications contained in the memos dated December 28, 2023 and February 7, 2024 from Arias Cooper, which are listed below.

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**TO Tuxedo
Proposed Budget Modifications
December 2023**

Account	Description		
Revenues		Decrease	Increase
A2706	Grants From Local Governments		140,000.00
A2401	Interest & Earnings		30,000.00
A2610	Fines and Forfeited Bail		50,000.00
A599	Fund Balance		607,200.00
Expenditures		Increase	Decrease
A1420.4	Attorney - Contractual	20,000.00	
A1440.4	Engineer - Contractual	20,000.00	
A1620.4	Buildings - Contractual	400,000.00	
A1690.4	Central Fuel Services		12,000.00
A1910.4	Unallocated Insurance	12,000.00	
A1930.4	Judgments and Claims	350,000.00	
A3310.4	Traffic Control - Contractual	5,000.00	
A4540.4	Ambulance - Contractual	2,200.00	
A5132.4	Garage - Contractual	5,000.00	
A5182.4	Street Lighting - Contractual	5,000.00	
A7110.1	Parks - Personnel	5,000.00	
A7110.4	Parks - Contractual	4,000.00	
A7310.4	Youth Programs - Contractual	11,000.00	
TOTALS GENERAL A FUND		839,200.00	839,200.00
Revenues		Decrease	Increase
B2401	Interest and Earnings		38,000.00
Expenditures		Increase	Decrease
B9010.8	State Retirement	8,000.00	
B9015.8	Fire & Police Retirement	30,000.00	
TOTALS GENERAL B FUND		38,000.00	38,000.00
Revenues		Decrease	Increase
DA599	Fund Balance		108,000.00
Expenditures		Increase	Decrease
DA5130.2	Machinery - Equipment	108,000.00	
TOTALS HIGHWAY DA FUND		108,000.00	108,000.00

Budget Modifications continued:

Revenues		Decrease	Increase
DB599	Fund Balance		264,000.00
Expenditures		Increase	Decrease
DB5112.2	Road Construction	264,000.00	
TOTALS HIGHWAY DB FUND		264,000.00	264,000.00

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**TO Tuxedo
Additional Proposed Budget Modifications
December 2023**

Account	Description		
Revenues		Decrease	Increase
A599	Fund Balance		51,500.00
Expenditures		Increase	Decrease
A1220.401	Supervisor - Contractual	3,500.00	
A1670.401	Central Printing & Mailing - Contractual	2,500.00	
A1680.401	Central Data Processing - Contractual		4,500.00
A5132.401	Garage - Contractual	50,000.00	
A7020.401	Recreation - Contractual	1,500.00	
A7550.401	Celebrations - Contractual		4,500.00
A9010.800	State Retirement	3,000.00	
TOTALS GENERAL A FUND		60,500.00	60,500.00
Expenditures		Increase	Decrease
B3620.401	Safety Inspection - Contractual	6,000.00	
B9785.600	Installment Debt - Principal		6,000.00
TOTALS GENERAL B FUND		6,000.00	6,000.00
Expenditures		Increase	Decrease
DA5130.401	Machinery - Contractual	2,000.00	
DA9010.800	State Retirement	6,500.00	
DA9040.800	Workers Compensation		11,000.00
DA9785.700	Installment Debt - Principal	2,500.00	
TOTALS HIGHWAY DA FUND		11,000.00	11,000.00
Expenditures		Increase	Decrease
DBS110.100	Repairs - Personnel		9,000.00
DBS140.401	Brush & Weeds - Contractual	3,000.00	
DB9010.8	State Retirement	6,000.00	
TOTALS HIGHWAY DB FUND		9,000.00	9,000.00
Revenues		Decrease	Increase
SR2 599	Fund Balance		8,500.00
Expenditures		Increase	Decrease
SR2 8160.400	Refuse & Garbage - Contractual	8,500.00	
TOTALS REFUSE FUND		8,500.00	8,500.00

In addition to the memos from Andrew Arias there is also a budget modification of \$37,653.25 from fund balance to A.1620.433.1002 as listed in Carey Alley's email dated 2/9/2024.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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Agenda Item #11 - Landscape Architect Agreement for Powerhouse Park

On a motion made by Councilmember Murphy, seconded by Supervisor McMillen that the Town Board of the Town of Tuxedo hereby approves the Town Supervisor entering into an agreement with CLC Landscape Design for the cost of \$6,000.00 to provide landscape design ideas for Powerhouse Park. (\$4,950.00 to be used from OC Tourism Grant)

LANDSCAPE DESIGN PROPOSAL

I. Site Analysis

To include analysis of:

- | | | |
|---------------------|-------------------------|-----------------------|
| - Site Potential | - Views to Screen | - Sun Angles |
| - Existing Grades | - Objects to be Saved | - Existing Vegetation |
| - Views to Preserve | - Objects to be Removed | - Photo Document Site |

II. Preliminary Lot Coverage and Setback Analysis

III. Conceptual Landscape Design

To include these elements:

- | | | |
|--|--|--|
| <input type="checkbox"/> Front Yard | <input type="checkbox"/> Landform | <input type="checkbox"/> Swimming Pool (See Note 1) |
| <input type="checkbox"/> Backyard | <input type="checkbox"/> Generic Plantings | <input type="checkbox"/> Water Feature on Pool |
| <input type="checkbox"/> Patio | <input type="checkbox"/> Privacy Plantings | <input type="checkbox"/> Dive Rock on Pool |
| <input type="checkbox"/> Walk(s) | <input type="checkbox"/> Pavilion / Cabana | <input type="checkbox"/> Fiberglass Hot Tub |
| <input type="checkbox"/> Steps(s) | <input type="checkbox"/> Pergola | <input type="checkbox"/> Koi Pond / Stream |
| <input type="checkbox"/> Landing(s) | <input type="checkbox"/> Shed | <input type="checkbox"/> Pondless Water Feature |
| <input type="checkbox"/> Wall(s) | <input type="checkbox"/> Vegetable Garden | <input type="checkbox"/> Fountain |
| <input type="checkbox"/> Outdoor Kitchen | <input type="checkbox"/> Landscape Lighting | <input type="checkbox"/> Basic Drainage Concepts*
(*See Reverse Side) |
| <input type="checkbox"/> Outdoor Fireplace (wood or gas) | <input type="checkbox"/> Fence | <input type="checkbox"/> Provide Two Design Options
at First Presentation |
| <input type="checkbox"/> Outdoor Fire Pit (wood or gas) | <input type="checkbox"/> Driveway | |
| <input type="checkbox"/> Deck | <input type="checkbox"/> Steep Slope Site (See Note 1) | |

IV. Style Goals

Circle Applicable Design Style Goals: Traditional, Classic, Simple, Hamptons, Transitional, Contemporary, Modern, Other

V. Notes on Design: 3D INCLUDED

TOTAL FOR THE ABOVE: \$6,000

Payment Terms: 100% Due Upon Signature of Contract

Notes on Design Process:

1. For swimming pool designs and steep slope designs, we require a *digital* boundary and *digital* topographic survey.
2. We require an accurate and recent boundary survey be provided prior to CLC starting the design process.
3. Depending on site conditions, we may need for a topographic survey to be completed by a licensed surveyor prior to CLC starting the design process. The cost for a topographic survey would be additional.
4. This landscape design agreement provides for three meetings (in-person or zoom): A. initial design consultation, B. first design presentation, and C. final design presentation. If revisions or additional presentations are requested beyond the three meetings included, we will quote an additional cost for these.
5. CLC will do a preliminary review of town requirements that may be applicable to your project, but a final determination of applicable requirements can only be provided by the town once a landscape plan is submitted for review. Permit fees are additional.
6. Option: For an additional \$ INCLUDED, prepare 3D rendering to accompany the final design presentation.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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Presentation

Michele Lindsay gave an update on Climate Smart and the Clean Energy Communities Programs. The presentation is posted on the Town's website:

<https://www.tuxedogov.org/climate-smart-community-task-force/files/climate-smart-and-clean-energy-community-program-updates>

Discussion Items

1. Procurement and Travel Policies

The Town Board needs to work on updating the current Procurement Policy. The Town is also in need of a Travel Policy. Deputy Supervisor Marsh gave the other Board members sample Travel Policies from other municipalities to review to assist with putting one together for the Town.

2. Tree City Designation

Chiu Yin Hemple and Chris Gow will give a presentation at the meeting on February 26, 2024 to educate the Board on the benefit of Tuxedo becoming a Tree City.

3. Boiler at Town Hall

The boiler at Town Hall was recently serviced and deemed to be in good working order. A suggestion was made to do a cost benefit analysis of a geothermal system versus a traditional boiler. Supervisor McMillen will contact Town Engineer Sean Hoffman to help facilitate with that process.

4. Upgrade to phone system at Town Hall, Police Station and Highway

The Town's current lease with Avaya has expired. The company recommends an upgrade to a cloud-based system. Deputy Supervisor Marsh attended a meeting to learn about the features and received a quote from the company. He will forward the contract to Attorney Protter for review.

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Monthly Reports

Supervisor McMillen is in receipt of the following monthly report:

- Town Clerk

Town Supervisor/Town Board Updates

- Supervisor McMillen spoke about the negative balance in the General A Fund. He reported the NYS Comptroller scheduled a Town financial audit for February 20, 2024.
- Councilmember Kasker mentioned the recently adopted tax credit for volunteer fire fighters and ambulance corps members. He is hoping that will encourage new members to join.
- Councilmember Murphy said three companies submitted proposals in response to the Hamlet Revitalization RFP. She formed a committee to help with the selection process to award the bid. The plan is to submit a grant application to NY Forward which would help fund the Hamlet Revitalization.
- Deputy Supervisor Marsh thanked Recreation Director Kathleen Rooney-Metcalf and the Tuxedo Fire Department for the successful annual bonfire. He has been working on securing two bands to play over the Summer in Powerhouse Park, which would be free to residents. He recently met with Jewish Family Services, which helps provide resources to senior citizens. There is a program they offer that would cost the Town \$10,000.00 that he feels would be beneficial. He would like to try to budget for that program for next year. He has been in contact with TUFSD to help start a program for students to assist senior citizens with their cell phones, iPads or tablets.

Other Business:

1. Approve Two Summer Concerts and Budget Modification

On a motion made by Deputy Supervisor Marsh and seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo hereby approves two Summer Concerts to be held at Powerhouse Park in June and July for the cost of up to \$6,000.00 and authorizes Supervisor McMillen to sign the contracts pending approval from Town Attorney Protter. The Board also authorizes the following budget modification to fund the concerts: decrease \$6,000.00 from A.5812.401 and add \$6,000.00 to A.7989.041.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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Minutes

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Marsh, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on January 22, 2024.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

VOUCHERS

Below are the vouchers totaling \$5000 or greater:

2012922798	Global montello Group Corp	8,352.65	Diesel & Fuel
2012922814	Hoffman Engineering Services	8,665.00	Tuxedo Farms Escrow December 2023
2012922813	Fusco Engineering	14,000.00	December 2023 Building Inspector
2012922817	Nelson Pope & Voorhis LLC	5,252.50	Tuxedo Farms Escrow December 2023
2012922818	Cooper Arias	6,600.00	Partial Bill for 2023 Audit Planning
2012922819	MVP Health Care	7,551.72	Town Hall & Elected Health Insurance Feb 2024
2012922820	J.S. Braddock	5,803.60	Add Equipment 2024 Policy
2012922848	Amthor Welding Service, Inc.	5,170.75	TENCO U-Combo Tent for Truck
2012922854	NYS Insurance Fund	5,747.95	January Workers Comp
2012922858	Rockland Paramedic Services, Inc..	65,724.36	February 2024 Paramedic Services
2012922880	Herc Rentals	6,882.44	Bucket Truck Rental 1/2-1/30/24
2012922883	Arkel Motors Inc.	24,140.45	Parts and Repairs for International

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: 2012922788 through 2012922890

General Fund:	\$147,161.64
Part-Town Fund:	\$28,625.75
Highway Town Wide:	\$46,022.39
Highway Part Town	\$1,894.71
Refuse and Garbage	\$0
Hamlet Sewer District	\$3,983.46
Trust and Agency	\$0
Total Abstract Amount:	\$227,687.95

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

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PUBLIC COMMENTS

- Resident Hank Salzar commented about tractor trailer trucks exiting from the Thruway to avoid the weigh stations. He asked why the weigh station on Route 17 hasn't been in operation for quite some time. Deputy Supervisor Marsh said Tuxedo Police Officers have recently attended Commercial Vehicle Inspection Training. The inspection station should be able to open in the Spring.
- Resident Russ Shaver asked about the status of the Red Apple Rest. Supervisor McMillen said the building is condemned and the owners are in the process of stabilizing the foundation.
- Resident Irene Denaro asked why Jay Reichgott resigned as Town Councilperson. Attorney Protter stated that he disagreed with some policies and filed his resignation.

ADJOURNMENT

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh to adjourn the meeting at 9:10pm.

The foregoing resolution was adopted on a vote of 4 ayes and 0 nays.

Respectfully submitted,

Marisa Dollbaum

Town Clerk
Town of Tuxedo