

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
March 11, 2024

Supervisor McMillen called to order the Town Board Meeting of March 11, 2024 at 7:04pm.

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:

Highway Superintendent Robert Dollbaum; Police Chief John Trazino; Recreation Director Kathleen Rooney-Metcalf

Other Town Officials Present via Zoom:

Town Attorney Howard Protter; Parks and Recreation Chairperson Maria May

Public Comment(s) on Agenda Items

- Resident Claudia Bakhtiary asked for more details on the acquisition of property in Agenda Item #1. Supervisor McMillen said the Town plans on applying for the NY Forward Grant and having this property to use as a parking lot would help with the chances of being awarded the grant.

Department Updates:

- Chief Trazino said 139 tickets were issued in February, including 2 arrests. The Officers have been busy with the recent wind storm that caused downed trees and power lines.

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- Highway Superintendent Rob Dollbaum said his department will continue to trim trees until the end of the month. He pointed out problematic trees to Nelson Trees, the company contracted by Orange and Rockland that also does annual trimming. Councilmember Murphy asked if the Highway Department was allowed to remove trees that may potentially fall and Highway Superintendent said he is not allowed to touch trees that are on not on Town property. He gave an update on the sewer pump station and said a wall will be built made out of cement blocks and filled in with gravel. The project begins in April and it is only a temporary solution until a decision is made about the pump house at a later time.
- Parks and Recreation Director Kathleen Rooney-Metcalf said the Bagels with Bunnies Event at the Train Station last Saturday went well. She thanked Deputy Supervisor Marsh, the Highway Department and Parks and Recreation Chairperson Maria May for their assistance. She announced the 2024 Summer Camp will run from July 8th through August 9th. The Office of the Aging will offer another series of Fall Prevention classes and they will be held at the Train Station. Senior Game Day at the Train Station at 1pm on every 3rd, 4th and 5th Mondays has been going well. She is researching to find alternative exercise options for seniors. The first Parks and Recreation Advisory Board meeting was February 28th. Parks and Recreation Board Member John Sandak is interested in getting a baseball league started up again. The Parks and Recreation Board is also trying to get more activities for kids. She announced the Earth Day Event on April 20th and the Youth Fishing Derby will be in early June. She gave the Board a copy of the tentative budget for camp, will be around \$70,000.00. She is waiting for the last quote from a bus company. Registration for camp should be ready by April 1st.
- Deputy Supervisor Marsh said volunteers are needed for the Earth Day Cleanup Event on April 20th, specifically in the area of Eagle Valley. He asked Councilmember Kasker to inquire with the Fire Department to see if they would be able to assist with the event. Resident Claudia Bakhtiary mentioned that in the past the Earth Day Cleanup Event was run by the Town and Chamber of Commerce, which seemed to work well.

Town Supervisor/Town Board Updates

- Supervisor McMillen said he toured another piece of property in Harriman State Park with Deputy Supervisor Rick Marsh, and resident Sue Scher. The property is by Lake Stahahe known as S2. The Town would potentially lease the land from PIPC for Tuxedo residents to use.
- Councilmember Murphy said the Hamlet Revitalization Committee put together an analysis from the three companies that submitted bids. A resident survey was sent out as the last part of the Greenway Study. The contract for the landscape architect was signed

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to design plans for Powerhouse Park. She would like to get the Parks and Recreation Advisory Board to give recommendations on ideas at the park.

Agenda Item #1 - RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING

BE IT RESOLVED that an introductory Local Law, entitled “Parks and Recreation Law”, be and it hereby is introduced by Deputy Supervisor Marsh, before the Town Board of the Town of Tuxedo in the County of Orange and 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 of Tuxedo Town Hall, 1 Temple Drive, Tuxedo, New York 10987, in the Town of Tuxedo, Tuxedo, New York at 7:00 P.M. on March 25, 2024 and

BE IT FURTHER RESOLVED that the Clerk post and 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.

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

Agenda Item #2a- RESOLUTION OF SEQR NEGATIVE DECLARATION AND APPROVAL OF PURCHASE OF REAL PROPERTY / 209 ROUTE 17 – TABLED

WHEREAS: The Town Board has considered and evaluated the potential environmental impacts of the purchase by the Town of real property located at 209 State Route 17 (Village Tax Map No. 212-2-40). 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 and the Board’s approval to purchase the real property. The purchase price of \$550,000.00 is equal to or less than fair market value.

THEREFORE, IT IS RESOLVED as follows:

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Name of Action: Purchase of real property
SEQR Status: Unlisted
Site Location: 209 State Route 17
(Village Tax Map No. 212-2-40)

Description of Action:

Purchase for municipal purposes of vacant commercially zoned property containing 0.33 +/- acres

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 has 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 Short Environmental Assessment Form Part 1 and recommended Part 2 prepared by the Town's attorney, and all Board members are familiar with the property and the vicinity. After review, evaluation and consideration, there is no evidence of any potential significant adverse impacts that may be caused by the purchase of this real property.

Although the Board's intent is to construct a parking lot on the property, this property is purchased for any municipal purpose. Additional parking is greatly needed in this area and a parking lot is fully consistent with the surrounding uses and the community character. The Board is aware that SEQR requires that an entire action be considered for purposes of environmental review, and that considering only a part or segment of an action for the purpose of avoiding environmental review of the entire action is contrary to the intent of SEQR. The Board is also aware that SEQR allows segmented review when warranted if the lead agency clearly states the supporting reasons and demonstrates that such review is clearly no less protective of the environment. Formal plans and specifications for the construction of a parking lot have not been prepared, and the Board will evaluate the potential environmental impacts of construction and use of a parking lot after the preparation of plans and specifications. In addition, approval of the purchase of the property does not preclude any mitigation measures that could be implemented as related to the actual construction and use of the property as a parking lot. Therefore, the Board's SEQR review and determination on the potential environmental impacts of the purchase alone is no less protective of the environment.

The EAF Mapper on the NYSDEC website indicates that this property contains or is substantially contiguous to a building, archeological site or district which is listed or eligible for listing on the National or State Register of Historic Places, and that the property is located in or adjacent to an area designated as sensitive for archeological sites on the State archeological site inventory. The EAF Mapper also indicates that the property or adjoining lands contain regulated wetlands or other waterbodies and that the property contains species, or associated habitats, of the northern long-eared bat and timber rattlesnake, which are listed as threatened or endangered

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species. The Board does not believe that these indications on the EAF Mapper are accurate; however, these potential environmental issues will be addressed by the Board as part of its SEQR review prior to actual construction and use of the property.

IT IS FURTHER RESOLVED, for the reasons set forth above, that the Board finds and determines that the proposed purchase of the real property will not have any significant adverse impact on the environment. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the SEQR Regulations.

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

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

IT IS FURTHER RESOLVED that this Board approves the purchase of the real property located at 209 State Route 17 (Village Tax Map No. 212-2-40) in the amount of \$550,000.00, approves the contract of sale, subject to final review/approval by the Town's attorney; and authorizes the Town Supervisor or Deputy Supervisor to execute all necessary documents.

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Agenda Item #2(b) – Bond Resolution Authorizing the Acquisition of Land for the estimated cost of \$560,000.00 - TABLED

BOND RESOLUTION OF THE TOWN OF TUXEDO, ADOPTED MARCH 11, 2024, AUTHORIZING THE ACQUISITION OF LAND, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$560,000.00, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$560,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

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 is hereby authorized to acquire land, specifically 209 Route 17, Tuxedo, New York, tax map section 212, block 2, lot 40, for municipal purposes. The estimated maximum cost of said specific object or purpose, including preliminary costs, legal documents and costs incidental hereto and the financing thereof, is \$560,000.00 and the said amount is hereby appropriated therefor. The plan of financing is the issuance of \$560,000.00 serial bonds to finance said appropriation and the levy of a tax on all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$560,000.00 are hereby authorized to be issued pursuant to 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 applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00a.21 of the Law, is thirty (30) years.

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

c) 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. The bonds authorized by this resolution and any bond anticipation notes in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably

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pledged to the punctual payment of the principal of and interest of said bonds and any notes issued in anticipation of said bonds, and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes 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 of Sec.30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents 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 bond anticipation notes, and relative to providing for substantially level or declining annual debt service, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any 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
- (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 is subject to permissive referendum.

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."

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Agenda Item #3 - Approving and Authorizing Supervisor to Sign 2024 Stop-DWI Intermunicipal Agreement with Orange County

Motion made by Supervisor McMillen, seconded by Deputy Supervisor Marsh

WHEREAS, the Town of Tuxedo desires to enter into the annual agreement with the County of Orange, to provide enforcement patrol funding to the Town for March 10, 2024 through January 1, 2025; and

WHEREAS, the Town Board hereby approves and authorizes the Supervisor to sign the Agreement in the form annexed with the County of Orange, for the period of March 10, 2024 through January 1, 2025.

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

Agenda Item #4 - Resolution to approve iWorq software for Building Department

WHEREAS, the Town of Tuxedo desires to enter into the annual agreement with iWorQ to provide software for the Building Department for a cost of \$6,000.00 per year and \$1,000.00 for a one time set up fee; and

WHEREAS, the Town Board hereby approves and authorizes the Supervisor to sign the Agreement in the form annexed with iWorQ.

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

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Agenda Item #5 - Resolution to approve Town Clerk Training – NYS Town Clerks Association

On a motion made by Supervisor McMillen, seconded by Councilmember Murphy, that the Town Board approve the 2024 NYS Town Clerks Association Training in Albany for Town Clerk, Marisa Dollbaum April 21st through April 24th for a total cost of \$890.00 from budget line A1410.440

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

Agenda Item #6 - Resolution to approve registration fee for Highway Department Training

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Marsh, that the Town Board approve the registration fee for “Running Your Highway Department” training on March 20, 2024 at the Ulster County Public Safety Training Center in Kingston for Lisa Decker and Highway Superintendent Rob Dollbaum for a cost of \$120.00.

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

Presentation

Chris Star – NYCLASS (Investment Options for Municipalities)

Agenda Item #7 - Resolution to participate in the NYCLASS program - **TABLED**

Municipal Cooperation Resolution

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among

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themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Town of Tuxedo wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Town of Tuxedo wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Dave McMillen, Town Supervisor of Town of Tuxedo, NY is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Discussion Items

1. Schedule Community Choice Aggregation Meetings

On a motion made by Councilmember Kasker, seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo hereby schedules the following dates to hold Special Meetings for the Community Choice Aggregation Program:

March 27 at Noon: Review the indicative pricing received from the RFPs.

April 3 at 7:00pm: Schedule a meeting to discuss pricing and the MOU.

April 11 at 12:30: Meeting to receive executable pricing

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

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Discussion Items Continued

2. Roof Repair Estimate for Police Station

On a motion made by Deputy Supervisor Marsh and seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo hereby approves the roof repairs needed at the Police Station by Precision Roofing for a cost of up to \$4950.00 using ARPA Funds.

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

3. Podium for Community Room

On a motion made by Deputy Supervisor Marsh and seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo hereby approves Blue Lake Artisans to build a podium for the Community Room for a cost of up to \$700.00.

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

Monthly Reports

Supervisor McMillen is in receipt of the following monthly reports:

- Justice Court
- Town clerk

Minutes

On a motion made by Supervisor McMillen, seconded by Councilmember Murphy, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on February 26, 2024.

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

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VOUCHERS

Below are the vouchers totaling \$5000 or greater:

2012922958	Hoffman International Inc.	7,564.68	Parts for Loader- 621D
2012922966	Herc Rentals	6,862.44	Rental of Bucket truck 1/30/24-02/27/24
2012922977	Nelson, Pope, Voorhis	7,300.00	Town of Tuxedo- Economic Development
2012922985	J.S. Braddock	70,746.00	Town Insurance Installment
2012922986	Fusco Engineering	14,000.00	January 2024 Building Inspector
2012922988	MVP Healthcare	5,787.06	March 2024 Town Hall Health Insurance
2012922989	NYSHIP	54,906.69	NYS Employees
2012922997	Global Montello Corp	9,973.45	Fuel & Diesel February #2/2
2012923016	Rockland Paramedic Services, Inc	65,724.36	March 2024 Paramedic Services

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

Claim numbers: 2012922955 through 2012923018

201293077 pulled for further clarification

General Fund:	\$167,710.71
Part-Town Fund:	\$89,437.62
Highway Town Wide:	\$26,553.06
Highway Part Town	\$1,621.82
Refuse and Garbage	\$0
Hamlet Sewer District	\$241.24
Trust and Agency	\$0
Total Abstract Amount:	\$285,564.45

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

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PUBLIC COMMENTS

- Deputy Mayor Lindsay asked the Town Board for approval to use the Train Station on May 11th for a Clean Energy Campaign. She said April is native plant month to encourage
- Sue Scher and Kelly Spranger are meeting with PIPC to go over plans for Pollinator Meadow.
- Jerry Mottola asked if Andrew Arias was consulted on investing in NYCLASS. Deputy Mayor Lindsay said Andrew Arias was consulted last year.

Executive Session

Supervisor McMillen made a motion to enter into an Executive Session to discuss personnel matters at 8:54pm.

Supervisor McMillen made a motion to exit the Executive Session and return to the Public Meeting at 9:37pm.

No action was taken.

ADJOURNMENT

On a motion made by Supervisor McMillen seconded by Deputy Supervisor Marsh, to adjourn the meeting at 9:39pm.

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

Respectfully submitted,

Marisa Dollbaum

Town Clerk
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