

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
March 25, 2024

Supervisor McMillen called to order the Town Board Meeting of March 25, 2024 at 7:02pm.

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; Zoning Board Chairman Frank Peverly; Parks and Recreation Chairperson Maria May

Public Hearing - Introductory Local Law “Parks and Recreation”

Open Public Hearing

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh the public hearing on introductory local law “Parks and Recreation” was opened at 7:03pm.

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

Supervisor McMillen opened the Public Comments.

- Resident Sue Scher thanked the Board for working on the Parks and Recreation code, especially the sections to update the role of the Parks and Recreation Director and Advisory Board.

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Close Public Hearing

On a motion made by Supervisor McMillen and seconded by Councilmember Murphy, that all persons desiring to be heard, having been heard, the Public Hearing regarding Local Law entitled “Parks and Recreation” was closed at 7:08p.m.

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

Public Comments on Agenda Items

- Deputy Mayor Lindsay, Resident Sue Scher and Resident Daria Bekersky asked for clarification on Agenda Item #4 regarding the Public Hearing on the Zoning Map Amendment. Supervisor McMillen stated the parcel is in Eagle Valley, formally known as Sister’s Servants Lane and is currently a grass field. The Zoning amendment is to potentially revert the parcel back to the original R-2 Zone.

Department Updates

- Chief Trazino said his department has been busy working on weather related calls.
- Highway Superintendent Rob Dollbaum said they have one week left of trimming trees. They also trimmed trees along the walking path at Powerhouse Park. They are working on removing the plow equipment from the trucks. He stated his employees are attending a class for bucket truck certification.
- Recreation Director Kathleen Rooney-Metcalf said the Parks and Recreation Advisory Board held their second meeting last week. They are currently organizing the Earth Day Cleanup after the 5k. She announced the Fishing Derby is scheduled on June 1st.

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Agenda Item #1 - Resolution of Adoption of Local Law No. 1 of 2024 entitled “Parks and Recreation”

WHEREAS, an introductory Local Law, entitled “Parks and Recreation Law” was introduced before the Town Board of the Town of Tuxedo, and upon notice duly published and posted, a hearing was held on March 25, 2024, before the Town Board, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law, and

NOW, THEREFORE,

BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Parks and Recreation Law” is a Type II action under SEQR and is hereby determined not to have a significant effect on the environment).

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Parks and Recreation Law” of the Town of Tuxedo be and hereby is adopted as Local Law #1 of 2024 of the Town of Tuxedo on March 25, 2024.

On the motion of Deputy Supervisor Marsh and seconded by Councilmember Murphy, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays.

Agenda Item #2 - Resolution to participate in the NYCLASS Program

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 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;

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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.

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

Agenda Item #3 - Resolution to adopt 2024 Summer Camp Budget

On a motion made by Supervisor McMillen and seconded by Councilmember Murphy, that the Town Board of the Town of Tuxedo hereby approves the 2024 Summer Camp Budget for a cost up to \$80,000.00.

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

Agenda Item #4 - RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING

BE IT RESOLVED that an introductory Local Law, entitled, "AMENDING THE ZONING MAP OF THE TOWN OF TUXEDO," which local law would change the zoning designation for a certain property located along the southerly side of Sterling Mine Road (County Route 72) in the Town of Tuxedo. This law will change the zoning designation from C (Conservation) back to R-2 (Low-Medium-Density Residential), and to have the Town's Zoning Map reflect such change, be and it hereby is introduced by Supervisor McMillen, 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

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BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, One Temple Drive, Tuxedo, New York at 7:00 P.M. on April 8, 2024, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least ten (10) days prior thereto.

On a motion by Supervisor McMillen, seconded by Deputy Supervisor Marsh, the resolution was adopted on a vote of 4 Ayes, 0 Nays.

**COPY OF INTRODUCTORY LOCAL LAW No. ___ OF 2024
TOWN OF TUXEDO**

A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF TUXEDO

BE IT ENACTED by the Town Board of the Town of Tuxedo, Orange County, New York, as follows:

SECTION 1. PURPOSE.

It is the purpose of this local law to change the zoning designation for a certain property located along the southerly side of Sterling Mine Road (County Route 72) in the Town of Tuxedo. This law will change the zoning designation from C (Conservation) to R-2 (Low-Medium-Density Residential), and to have the Town's Zoning Map reflect such change.

SECTION 2. ZONING MAP AMENDMENT.

The Zoning Map of the Town of Tuxedo is hereby amended to place Section 217, Block 1, Lot 17 into the R-2 Zoning District from the C Zoning District.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 16 of the New York State Town Law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

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SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

Agenda Item #5 - Resolution to approve funds for Pickle Ball Clinic Instructor

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the Town Board of the Town of Tuxedo hereby approves the cost of up to \$150.00 for a Pickleball Instructor to hold a Pickleball Clinic open to Town residents. The event is scheduled for Saturday May 5th from 10am-11:30am and is free for Tuxedo residents.

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

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Agenda Item #6 - Resolution Authorizing the Supervisor of the Town of Tuxedo to Sign New York State DOT Highway Work Permit – tabled, will look into prices and see if DOT will pay

WHEREAS, the Town of Tuxedo is applying for a highway work permit to replace a flashing school beacon originally installed on NYS Route 17 under NYSDOT HWP 96-0894 which was damaged beyond repair;

WHEREAS, this action is a Type II Action under SEQRA.

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of Tuxedo authorizes the Supervisor to sign the highway work permit application and cause the Highway Superintendent and Engineer for the Town to process it through the New York State DOT.

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 #7 - Resolution to approve Bucket Certification Training for Highway Employees

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the Town Board of the Town of Tuxedo hereby approves Bucket Certification Training for five Highway Employees at the cost of up to \$875.00 (\$175.00/each) on April 25th in Maybrook, NY.

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

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Agenda Item #8 - Resolution to approve agreement for the Expenditure of Highway Monies

AGREEMENT between the Town Superintendent of Highways of the Town of Tuxedo, of Orange County, State of New York and the undersigned members of the Town Board for the year 2024. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of Tuxedo,
Orange County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$450,536 shall be set aside to be expended for primary work and general repairs upon 28 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

(a) On the road commencing at Long Meadow Rd and leading to Sterling Mine Rd, a distance of 9.158 miles, there shall be expended not over the sum of \$160,000.

| | |
|--|---------------------------------------|
| Type | <u>Chip seal & Asphalt repair</u> |
| Width of traveled surface | <u>23 Feet</u> |
| Thickness | <u>5 Inches</u> |
| Subbase | <u>Item</u> |
| <u>Asn Ct, Chestnut Ct, Hillary Ct, Submit brook, South Gate, Eagle Valley, Maple Brook, Alexander, Constitution, Heritage, Table Rock & Salerna Roads</u> | |

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

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Discussion Item

Enterprise Fleet Quote

The Town currently owns 23 vehicles. Enterprise Fleet has a leasing program that would allow the Town to have a replacement program to help prevent having old vehicles with high mileage. Enterprise provided the breakdown of costs listed below. A representative from Enterprise will give a presentation to the Board on Monday, April 8th.

| | # New Leases | Total Leased | Cost |
|----------------|---------------------|---------------------|-------------|
| Year 1 | 7 | 7 | \$83,642 |
| Year 2 | 3 | 10 | \$123,488 |
| Year 3 | 0 | 10 | \$123,488 |
| Year 4 | 8 | 18 | \$232,895 |
| Year 5 | 5 | 23 | \$301,246 |
| Year 6 | 7 | 23 | \$304,246 |
| Year 7 | 3 | 23 | \$301,246 |
| Year 8 | 0 | 23 | \$301,246 |
| Year 9 | 8 | 23 | \$301,246 |
| Year 10 | 5 | 23 | \$301,246 |

Town Supervisor/Town Board Updates

- Supervisor McMillen said the next step to lease the property known as S2 from PIPCI is to send a letter of intent. He thanked Sue Scher for her assistance in the process.
- Councilmember Kasker announced the upcoming Community Choice Aggregation meetings. On March 27th there is a webinar to receive information on supplier bid responses. April 3rd is the Special Meeting for the Town Board to discuss the MOU. Joule will give a presentation on April 8th and on April 11th the executable pricing will be discussed. He pointed out the information on Community Choice Aggregation on the Town’s website with more information. Additionally he suggested that it could be helpful for Planning and Zoning Board Members to receive focused training to assist with their meetings.

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- Deputy Supervisor Marsh attended the recent Parks and Recreation Advisory Board. He said they selected a great group of dedicated Board Members. He added that S2 is a beautiful piece of property and the plan is to renovate in phases as well as apply for grants to help with the funding.
- Councilmember Murphy said the Hamlet Revitalization Committee is in the final stages of making a decision on the RFP. The goal of the project is to provide safe areas to walk, bike and add additional parking. She is talking to the Post Office about piece of property next to the building to potentially add a parking lot. The Greenway Study will be completed soon, which will help with marketing strategies to entice businesses to come to Tuxedo.

Minutes

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on March 11, 2024.

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

VOUCHERS

Below are the vouchers totaling \$5000 or greater:

| | | | |
|------------|---------------------------------|-----------|--|
| 2012923024 | Benistar | 6,481.15 | April 2024 Retiree Health & Rx |
| 2012923028 | H2O Innovation | 7,403.09 | February monthly Fees & Testing |
| 2012923034 | Fusco Engineering | 12,600.00 | February 2024 Building Inspector |
| 2012923037 | Town of Tuxedo | 10,317.71 | Highway Fuel Jan/Feb 2024 |
| 2012923038 | New York State Insurance Fund | 7,674.74 | February 2024 Workers Comp |
| 2012923039 | Office of the State Comptroller | 26,203.00 | January 2024 Fines and Fees |
| 2012923042 | IWS of New York | 32,441.09 | February 2024 Garbage and Recycling |
| 2012923045 | Town of Tuxedo | 5,188.74 | Police Department Fuel Jan/Feb 2024 |
| 2012923053 | Global Montello | 5,773.21 | Fuel and Diesel Delivery #1/2 March 2024 |
| 2012923055 | IBEW Local 363 | 13,440.00 | Highway Health Part B |
| 2012923056 | TAM Enterprises | 9,932.00 | Repair of existing Pump- Sewer |
| 2012923058 | Professional Brush Works Inc. | 5,600.00 | Town Hall Interior Painting- ARPA |
| 2012923080 | Ford Motor Credit Company | 16,182.49 | 2024 Ford F250 Payment #1/5 |

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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: 2012923019 through 2012923080

| | |
|-------------------------------|-----------------------|
| General Fund: | \$70,411.94 |
| Part-Town Fund: | \$25,640.31 |
| Highway Town Wide: | \$40,611.73 |
| Highway Part Town | \$13,559.79 |
| Refuse and Garbage | \$32,441.09 |
| Hamlet Sewer District | \$178,961.88 |
| Trust and Agency | \$2,697,958.00 |
| | |
| Total Abstract Amount: | \$3,059,584.74 |

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

PUBLIC COMMENTS

- Deputy Mayor Michele Lindsay announced the following upcoming meetings:

Climate Smart Community Task Force - April 3rd at 5:30pm
Community Campaign for Clean Energy Heating & Cooling; Electric Vehicles; Community Solar - April 11th and May 11th
I Love My Park Day at the Pollinator Meadow - May 4th

- Parks and Recreation Chairperson Maria May said they are working on getting volunteers for Town events. She thanked Town Clerk Marisa Dollbaum for creating a flyer and registration form to help advertise for volunteers.

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Executive Session

Supervisor McMillen made a motion to enter into an Executive Session to discuss personnel matters at 8:06pm.

Supervisor McMillen made a motion to exit the Executive Session and return to the Public Meeting at 8:52pm.

Resolution to appoint Town Board Councilperson

On a motion made by Supervisor McMillen, and seconded by Deputy Supervisor Marsh, the Town Board of the Town of Tuxedo hereby appoints Christopher Dollbaum to fill the open Town Councilmember position through December 31, 2024.

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

ADJOURNMENT

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Marsh, the meeting was adjourned at 8:54pm.

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

Respectfully submitted,

Marisa Dollbaum

Town Clerk
Town of Tuxedo