

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr., Tuxedo, NY 10987  
And Via Zoom  
April 10, 2023**

Supervisor English called to order the Town Board Meeting of April 10, 2023 at 7:04pm.

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

Town Board Members Present:	Mr. Kenneth English	Supervisor
	Mr. Jay Reichgott	Deputy Supervisor
	Mrs. Michele Lindsay	Councilmember
	Ms. Maria May	Councilmember
	Ms. Deirdre Murphy	Councilmember

Town Board Member Absent: None

**Recording Secretary:** Marisa Dollbaum    Town Clerk

**Other Town Officials Present:**

Mr. Howard Protter, Town Attorney (via Zoom); Mr. Robert Dollbaum, Highway Superintendent; Mr. John Trazino, Police Chief

**Special Guest:**

Mr. Karl Brabenec, 98<sup>th</sup> District Assembly Member

- Open Public Hearing – Sewer Use Regulations

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Lindsay, to open public hearing on introductory local law “Sewer Use Regulations” at 7:07pm.

**Public Comments**

- Resident Jerry Mottola asked if heavy rain fall would have an impact on infiltration in the sewer system.
- Resident Evelyn David asked if Tuxedo Farms will be connected to the sewer plant.
  
- Adjourn Public Hearing to April 24, 2023

RESOLVED, On a motion made by Councilmember Reichgott, seconded by Supervisor English, that the Town Board of the Town of Tuxedo hereby adjourns the Public Hearing on “Sewer Use Regulations” until Monday, April 24, 2023 at 7:00pm.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**Public Comment(s) on Agenda Items**

There were no public comments on agenda items.

**Presentation**

Councilmember Murphy gave an updated Hamlet Revitalization presentation. A copy of the presentation is attached to the minutes.

**Agenda Item #1 - Resolution to appoint Part-Time Police Officer**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember May that the Town Board of the Town of Tuxedo hereby appoints Margaret Carey as a part-time Police Officer at an hourly rate of \$32.33.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**Agenda Item #2 - Resolution to enter agreement with Fusco Engineering to provide Building Dept. Services**

Whereas Fusco Engineering & Land Surveying D.P.C. Of Middletown NY currently provides engineering services to the town, and is fully capable and experienced in providing the service is necessary to fulfill the duties of a building inspector, in enforcement of the New York State building, and construction codes;

Now there, for the resolved the town board authorizes the supervisor to enter into an agreement with Fusco Engineering and land surveying D.P.C. in the form attached here to.

On a motion by Councilperson Supervisor English, seconded by Councilperson Councilmember Lindsay, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

**AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2023 between the TOWN OF TUXEDO, One Temple Drive, Tuxedo, New York 10987, hereinafter referred to as "TOWN" and FUSCO ENGINEERING & LAND SURVEYING, D.P.C., 233 East Main Street, Middletown, New York 10940, hereinafter referred to as "CONTRACTOR":

**WITNESSETH:**

WHEREAS, the TOWN and the CONTRACTOR wish to enter into an Agreement for the purpose of providing the TOWN with Building Department Services for the Town of Tuxedo, New York.

NOW THEREFORE; BE IT RESOLVED, that the parties hereto mutually agree as follows:

**GENERAL:** The TOWN hereby hires and retains FUSCO ENGINEERING & LAND SURVEYING, D.P.C. to provide Building Department Services to and for the Town of Tuxedo. The purpose of the Contract is to outline the understanding of the parties related to the services to be performed by CONTRACTOR and on behalf of the TOWN.

1. The term of this agreement shall be for May 1st, 2023 through December 31, 2024, unless otherwise amended pursuant to the terms herein or unless otherwise terminated.
2. This agreement shall terminate at 11:59 PM on the last day of December in which the Agreement is set to expire unless renewed by the parties in writing on or before October 31<sup>st</sup> in the year of said Agreement is scheduled to expire.
3. Either party to this agreement may terminate same upon thirty (30) days written notice sent by certified Mail, Return Receipt Requested. In the event of such early termination of the Agreement, CONTRACTOR shall be paid for all work, property authorized and completed as of the date of termination. CONTRACTOR shall also dutifully complete all work as necessary pursuant to the terms of this agreement through the remainder of its term.
4. CONTRACTOR shall provide the TOWN with proof of Professional Liability Insurance and General Liability Insurance with \$1,000,000 - \$2,000,000 coverage for all work performed on behalf of the Town relative to design projects. The relationship between the TOWN and CONTRACTOR, as well as any and all of CONTRACTOR'S employees, agents or representatives, shall be that of Client Independent contractor. The TOWN shall not assume, and specifically disclaims, any obligations of an employee to an employee which may exist under applicable law.

5. CONTRACTOR has not requested and is not entitled to any form of Health Insurance coverage or any type of employee benefits from the TOWN for any of CONTRACTOR'S staff, including but not limited to employees, officers, and/or representatives, that may or will be providing services to the TOWN pursuant to the terms of this agreement.
6. Fusco Engineering and Land Surveying, D.P.C. and CONTRACTOR'S officers, as listed in Schedule "B" to the extent they provide code enforcement services to the TOWN, shall be covered under TOWN'S applicable insurance policies in the same manner as the TOWN'S own officers and/or employees. Any additional officer or employee to be included within this provision must be approved in writing by the TOWN in the form of an amended Exhibit "B".
7. Town to provide vehicle or pay IRS mileage for work within TOWN limits.

**BUILDING DEPARTMENT AND CODE ENFORCEMENT:**

1. The VILLAGE shall pay the CONTRACTOR a Monthly Fee paid monthly (see Schedule A) for Building Services. CONTRACTOR shall provide Building Inspector Services are defined and set forth in the Zoning Law of the Town of Tuxedo and any revision thereof as requested by the Supervisor. Duties and obligations to include, reviewing building department applications, review building plans, issuing building permits, perform required inspections, issue certificates of occupancy, investigate complaints, issuing violations and/or appearance tickets for court. Attending court with Town Attorney and/or Town Council. The CONTRACTOR will provide an average of 30 hours per week with a certified code enforcement officers unless a future written rider executed by both parties increases or decreases hours as may be necessary. The CONTRACTOR will provide a building department clerk from its staff for 35 hours per week, if requested, for additional compensation as set forth in Schedule A.
2. CONTRACTOR shall provide a Certified Building Inspectors, to provide Building Inspection Services for all projects within the boundaries of the Town of Tuxedo. CONTRACTOR will only have certified people doing any work requiring such certification.
3. TOWN to allow Code Enforcement Officers 24-hours annually for required training.
4. The TOWN shall provide CONTRACTOR with suitable office space.

5. The TOWN, via a designated Town Employee or official other than contractor, shall collect all fees for the services performed.
  
6. Large projects or planning board work may be required to deposit funds in an Escrow Account to be maintained by the TOWN, as agreed upon by the Town Board, CONTRACTOR and the property owner. The purpose of these funds is to provide for payment of Building Department and/or Engineering Services for review and/or monitoring of the build-out of the projects, including post construction inspections. The amount of funds to be secured in an Escrow account, as well as the purpose and use of the funds, must be determined before final approval is obtained from the Town of Tuxedo, and must be noted on final plans submitted for approval. In addition to the monthly fee schedule and to be hourly as per schedule.

**Schedule A**  
**Compensation**

Certified Code enforcement officers 30 hours/week	\$14,000.00/month
Add for Clerk for Building office 35hrs/week (if requested)	\$6,000.00/month
Escrow fees for plan review, Planning Board, Zoning Board Of Appeals or construction inspection or infrastructure	Hourly by Applicant Via Escrow
Inspector	\$125.00/hr
Professional Engineer	\$150.00/hr

**Schedule B**  
**Approved Contractor's Officers**

Alfred A. Fusco, Jr., PE, CEO  
Richard Manley, CEO  
BJ Gettel, CEO  
Daniel Dodd, CEO  
Alexa Burchianti, CEO  
Chris Watson, CEO  
Naomi Hall – Clerk if requested

**Agenda Item #3 – Resolution Settling of Tax Certiorari Claim**

WHEREAS, GENESIS REAL ESTATE PARTNERS 1, LLC, has commenced a tax certiorari proceeding against the Town of Tuxedo in the Supreme Court of the State of New York, County of Orange for the following years:

2022-23 tax assessment year bearing Orange County Index # EF004111-2022

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of J&G Law, LLP, counsel for the Town of Tuxedo in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, GENESIS REAL ESTATE PARTNERS 1, LLC, is willing to settle this proceeding without interest, costs or disbursement, in the following manner:

(1) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$246,000 to a total assessment of \$203,300 for tax map no. 106-1-18;

(2) That the Petitioner's real property taxes on said parcel above described for the 2022-23 School taxes and for the 2023 County and Town taxes be adjusted accordingly and the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to § 68 of the Town Law, and it is further;

RESOLVED, that Jim Davies, Assessor of the Town of Tuxedo and Kara J. Cavallo, Esq. on behalf of J&G Law, LLP, be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law and be it further;

On a motion by Councilperson Supervisor English, seconded by Councilmember Reichgott, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

**Agenda Item # 4 - Resolution to approve purchase of John Deere Mini Excavator and allow Town Supervisor to sign lease purchase agreement**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Murphy, that the Town Board of the Town of Tuxedo hereby approves the purchase through United Ag & Turf Northeast of a 2022 John Deere 50G Compact Excavator, State Bid Contract: NYS OGS Contract PC69403, Contract Price: \$76613.43, Budget Line: DA.9785.600.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

REVOLVED, On a motion made by , seconded by , to authorize Supervisor Kenneth English to enter into an agreement on behalf of the Town of Tuxedo with John Deere Financial for 60 months at \$1544.78/month. The terms of this agreement have been reviewed by the Town Attorney, Howard Protter.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**Agenda Item #5 - Resolution to approve purchase of John Deere ZTrak Mower**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Lindsay, that the Town Board of the Town of Tuxedo hereby approves the purchase through United Ag & Turf Northeast of a John Deere Z960M ZTrak with Extended Warranty, State Bid Contract: NYS LG PC69683, Contract Price: \$13,331.08, Budget Line: DA.5130.200.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye



**Agenda Item #6B –Resolution for Town Clerk to put Town Equipment out to Surplus:**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott that the Town Board of the Town of Tuxedo hereby declares the following as surplus and authorizes the Town Clerk to put them out to bid with Auction International:

2004 Toro Lawnmower Model 74415  
Serial number: 250005427

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**Agenda Item #7 - Resolution to approve Town Clerk Annual Training**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Murphy, that the Town Board approve the 2023 NYS Town Clerks Association Training in Albany for Town Clerk, Marisa Dollbaum April 23rd through April 25<sup>th</sup> in Syracuse, New York.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**Agenda Item #8 - Resolution to approve BMI Imaging Services to convert microfiche to digital files**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember May, that the Town Board of the Town of Tuxedo hereby approves services from BMI Imaging to convert Building Department records from microfiche to digital records for a cost up to \$6,000.00.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Councilmember May applied for a Community Funding Grant. The grant winners will be announced in the near future. If the Town is awarded the funds, they will use the money towards repairs to the existing sewer lines. She gave a reminder about the Earth Day Clean Up on Saturday, April 22<sup>nd</sup> at 9am. Another event that weekend is the Earth Day 5k and Fun Run on Sunday, April 23<sup>rd</sup> at Quarry Field. She has been working with Recreation Director, Kathleen Rooney-Metcalf on planning the Town’s Summer Camp. She helped submit the required reporting for used ARPA funds.
- Deputy Supervisor Reichgott announced the Village Water Department will begin their water main flushing system from April 10<sup>th</sup> through April 21<sup>st</sup>. The notice with detailed information is posted on the Town’s website.
- Councilmember Lindsay is in the process of gathering data for the energy audit on Town-owned buildings. The Community Choice Aggregation Program is in the outreach phase until mid-July. A Request for Proposal (RFP) for the CCA Program should be ready to publish in July, with the opt-out phase for customers in September.

**MINUTES**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Lindsay to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on March 13, 2023.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Abstained
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on March 27, 2023.

**ON ROLL-CALL VOTE;** Supervisor: Kenneth English Aye  
 Deputy Supervisor: Jay Reichgott Aye  
 Councilmember: Michele Lindsay Aye  
 Councilmember: Maria May Abstained  
 Councilmember: Deirdre Murphy Abstained

**VOUCHERS**

Below are any vouchers exceeding \$5,000:

2012921383	Office of the State Comptroller	\$27,899.00	February Fines and Fees
2012921402	Herc Rentals	\$5,631.15	Rental- Bucket Truck
2012921405	Global Montello Group	\$5,588.14	Fuel
2012921411	Rockland Paramedic Services	\$63,196.50	April Paramedic Services
2012921444	IBEW Local 363	\$13,440.00	March Highway Health

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

Claim numbers: 2012921368 through 2012921446

General Fund:	\$132,757.34
Part-Town Fund:	\$4,236.51
Highway Town Wide:	\$7,768.72
Highway Part Town	\$14,081.16
Hamlet Sewer District	\$2,948.00
Refuse and Garbage Disposal	\$0
Trust and Agency	\$0
<b>Total Abstract Amount:</b>	<b>\$161,791.73</b>

**ON ROLL-CALL VOTE;** Supervisor: Kenneth English Aye  
 Deputy Supervisor: Jay Reichgott Aye  
 Councilmember: Michele Lindsay Aye  
 Councilmember: Maria May Aye  
 Councilmember: Deirdre Murphy Aye

**PUBLIC COMMENTS**

- Resident Jerry Mottola asked about the Town purchasing property adjacent to the Tuxedo Post Office since there is limited parking spaces in the hamlet.

**Executive Session**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott, that the Town Board will enter an Executive Session at 8:34pm to discuss personnel issues.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott that the Town Board to leave executive session and re-enter public meeting at 9:19pm.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye

There was no action taken.

**ADJOURNMENT**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Lindsay, meeting was adjourned at 9:19pm.

<b>ON ROLL-CALL VOTE;</b>	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Jay Reichgott	Aye
	Councilmember:	Michele Lindsay	Aye
	Councilmember:	Maria May	Aye
	Councilmember:	Deirdre Murphy	Aye