

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Deputy Supervisor Lindsay called to order the Town Board Meeting of August 8, 2022 at 7:09pm

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

Town Board Members Present:

Mrs. Michele Lindsay	Deputy Supervisor
Ms. Maria May	Councilmember
Mr. Jay Reichgott	Councilmember
Ms. Deirdre Murphy	Councilmember

Town Board Member Absent: Mr. Kenneth English Supervisor

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Howard Protter, Town Attorney; Mr. Robert Dollbaum, Highway Superintendent

Public Comments on Agenda Items

There were no public comments.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Discussion Items:

1. Escrow policy for Building Department

The purpose of an escrow policy is to secure money up front to pay consultants for site plan review for applicants coming before Planning, Zoning and TAC. The Board will request payment history from the Building Department to get an idea of what past projects have cost to set the fees.

RESOLVED, On a motion made by Councilmember Reichgott, seconded by Deputy Supervisor Lindsay, that the Town Board of the Town of Tuxedo hereby authorizes Jacobowitz and Gubits to draft a local law to set an escrow policy.

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

2. Food trucks

An inquiry was made to the Town whether or not food trucks are allowed in Tuxedo. Attorney Protter said site plan approval would be required and there are certain factors to take into consideration such as safety and possible traffic impact. The current Town Code does not address food trucks. Attorney Protter will send the Town Board sample local laws from other municipalities for their review.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

3. Draft Local Law for Videoconferencing

This local law would, under certain circumstances authorize the Town Board and other public bodies of the town to use videoconferencing technology to participate in public meetings.

Local Law No _____ of the year 2022

Entitled

“Video Conferencing”

Section 1. The Code of the Town of Tuxedo is hereby amended to add a new Chapter 25 entitled “Video Conferencing” which shall read as follows:

Chapter 25

Video Conferencing

Section 25-1. Legislative Intent

It is the intent of this Chapter to give the town board, and the town’s public bodies as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town’s videoconferencing policy and the authority granted in Public Officers Law § 103-a.

Section 25-2. Authority

This Chapter is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town board and public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions are met.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Section 25-3. Videoconferencing for Public Meetings

The Town Board of the Town of Tuxedo hereby authorizes members of the town board, and all members of the town's public bodies, to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town's videoconferencing policy adopted by the town board.

Section 5-42. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 2. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING

BE IT RESOLVED that an introductory Local Law, entitled, “Video Conferencing” be and it hereby is introduced by Councilmember Reichgott, 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 Hall, One Temple Drive, Tuxedo, New York at 7:00 P.M. on August 22, 2022, 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 Deputy Supervisor Lindsay seconded by Councilmember Murphy, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

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

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Sample Video Conferencing Public Body Meeting Participation Policy

A. Purpose

To establish guidelines, regulations, and minimum requirements for the use of video conferencing technology to participate in the meetings held by Town public bodies, as defined in Public Officers Law 102, and in conjunction with Town of Tuxedo Local Law xxx of 2022.

B. Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct town business via video conferencing platforms and to prohibit in person attendance during the 2020-2022 COVID Pandemic/State of Emergency. In April of 2022, Gov. Hochul signed Chapter 56 of the Laws of 2022 which included a provision and guidelines to allow public bodies to have the option of continuing to use video conferencing under certain circumstances and conditions, including establishing a local law authorizing the use of videoconferencing and a written policy establishing said circumstances and conditions.

C. Definitions

1. Public Body – a political subdivision, or a committee or subcommittee or other similar body for which a quorum is required to conduct business or perform its function. This shall include all boards, committees, and subcommittees of the Town.
2. Meeting – any gathering of a public body called for the purpose of conducting town business.
3. Quorum – one half of the full membership of the public body, regardless of vacancies, plus one. Example: a board with seven members has a quorum of four. Virtual attendance does not qualify for making quorum but does qualify for voting purposes.
4. Extraordinary Circumstance – events or factors that would preclude a member’s physical attendance at the meeting, e.g.: disability, illness or significant health concerns requiring precautionary actions, caregiving responsibilities, other significant or unexpected factors or events, and events when a member is out of town for a short duration.

D. Policy

1. Members of all public bodies are permitted to attend and participate using video conferencing under extraordinary circumstances with the following requirements:
 - a. A quorum of the public body must be present, in person, in one or more publicly accessible and advertised location(s). A member who is participating from a remote location that is not open to in-person physical attendance by the public may not be counted toward a quorum, but may participate and vote if there is a quorum of

Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022

members at a physical location open to the public, and

b. The location of any publicly accessible location where members are attending virtually shall be posted with the Notice of Meeting, and

c. Public notice for any meeting conducted shall include where the public can participate in person, where to access the virtual meeting and where any documents or materials associated with the meeting are available, and

d. Any member attending virtually must have video capabilities permitting the public to see, hear and identify them throughout the entire meeting with limited allowance for customary pauses for personal interruptions such as coughing, sneezing, stretching, bio break.

e. All meetings which include virtual attendance by members must permit the attendance of the public in a manner that allows for real-time participation and ensure that members can be heard, seen, and identified when in open session, and

f. All meetings that include virtual attendance must ensure the minutes indicate who participated virtually, and

g. Each meeting where virtual attendance occurs shall be recorded, and

h. Virtual attendance should be used sparingly with the expectation to be physically present at meetings. Members must notify the chair and/ or staff support when they will not be present at a meeting or will need to attend using videoconferencing, and

i. Written procedures for attendance by members and the public must be conspicuously posted to the Town's website.

E. State of Emergency

1. As provided for in the New York State Legislation, if a State of Emergency or Disaster Declaration is made, all public bodies may meet completely virtually without the need for a quorum in one or more publicly accessible location(s), all other requirements remain.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Public Comments on Agenda Item

Robert Dollbaum asked what a Greenway grant is and Deputy Supervisor Lindsay responded that the grant is awarded to municipalities to use towards revitalization.

Agenda Item:

1. Resolution to engage Town Planners Bonnie Franson and Valerie Monastra and Town Engineer Sean Hoffman for Greenway grant writing assistance.

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Murphy that the Town Board of the Town of Tuxedo to engage Town Planners Bonnie Franson and Valerie Monastra and Town Engineer Sean Hoffman for Greenway grant writing assistance for a cost of up to \$2,000.00.

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

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

Deputy Supervisor Lindsay is in receipt of the following monthly reports:

- Town Clerk
- Building Department

Department Updates:

- Marisa Dollbaum, Town Clerk, said the Zoom Room installation was completed on Friday 8/6. We should be ready to use it for the meeting on 8/22. General Code completed codifying the Town Code, which had not been done since 2018. Every local law that was passed from 2018 through December of 2021 was incorporated. She has one printed copy in her office. She reminded the Board that the Optimum Franchise Agreement will expire in 2023 and the lease for the phone is up next June.

- Robert Dollbaum, Highway Superintendent, said the County sent a request to the Town for the Highway Department to take over plowing and salting parts of Long Meadow Rd. and Sterling Mine Rd. The Town does not have the equipment or manpower to take on that work so he will decline. Patching of roads around Town are almost complete. His crew continues to work on the dirt pile on Long Meadow Rd. and will work on catch basins in the Hamlet. Councilmember Murphy thanked Rob and his crew for putting up the new Town billboard.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

TOWN BOARD UPDATE:

- Deputy Supervisor Lindsay said the Town Board met with Attorney Larry Wolinski and Town Planner, Bonnie Franson to review Design Guidelines for Tuxedo Farms. A draft agreement with Joule Assets was circulated to the Board for the Community Choice Aggregation Administrator. The next steps are community outreach and education. The Tuxedo LDC held their annual meeting on August 3rd to review the 2021 audit.

- Councilmember May attended Lucky Skate Park cleanup event. She thanked the Tuxedo Police Department, Tuxedo/Sloatsburg Boy Scout Troop, TUFSD and Tuxedo Park School and all of the residents that volunteered. The ramps are red, white and blue and look very nice.

- Councilmember Reichgott said the Lucky Skate Park Clean up event was a success. He reminded everyone about the upcoming PBA fundraiser at Powerhouse Park on Saturday, August 13th. He cautioned residents to be careful with the dry weather.

- Councilmember Murphy said there was an article in the Photo News to advertise this year's Plein Air event. There are twenty-eight artists signed up. They are looking for sponsors. Heather Bullard will be catering the event again. OCAC is proposing a holiday play to be held at the TUFSD for \$7,000.00. The Town could sponsor the event, ask the school to split the cost, or have OCAC sell tickets to cover the cost. She proposes to have the recreation advisory board get back into operation to help with Town recreation events. She is going to research whether or not that was a paid position.

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

MINUTES

RESOLVED, Motion made by Deputy Supervisor Lindsay seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on July 25th.

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

VOUCHERS

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012920386 through 2012920434.

Vouchers 2012920386 was issued in advance due to statutory requirements (see attached check register)

General Fund:	\$56,124.70
Part-Town Fund:	\$21,357.94
Highway Town Wide:	\$5,270.04
Highway Part Town	\$4,012.33
Refuse and Garbage	\$60,938.76
Hamlet Sewer District	\$7,239.55
Total Abstract Amount:	\$154,943.32

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

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 8, 2022**

PUBLIC COMMENTS

Resident Mary Graetzer said that the Parks and Recreation Advisory Committee was not a paid position in the past.

ADJOURNMENT

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember May, to adjourn the meeting at 9:08pm.

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

Respectfully submitted,



Marisa Dollbaum
Town Clerk
Town of Tuxedo