

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
August 22, 2022**

Supervisor English called to order the Town Board Meeting of August 22, 2022 at 7:03pm

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

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

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

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

Public Comments on Agenda Items

There were no public comments.

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Public Hearing

Supervisor English opened the public hearing to take comments on proposed Local Law “Video Conferencing” at 7:05pm. 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 4 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.

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.

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Section 25-4. 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 adjudged 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.

Public Comments

- Resident Evelyn David asked if the ability to call in to meetings would be available when the Town switches to Zoom. Supervisor English stated that participants will be able to call in.
- Resident Kimberly Breiland said remote meetings allow for more people to participate.

Close Public Hearing

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, that, all persons desiring to be heard, having been heard, the Public Hearing regarding Local Law entitled "Video Conferencing" at 7:19 p.m.

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

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Resolution to adopt Local Law #4 of 2022 “Video Conferencing”

Introduced by: Councilmember Reichgott

Seconded by: Councilmember May

WHEREAS, an introductory Local Law entitled "Video Conferencing" was introduced before the Town Board of the Town of Tuxedo on Monday, August 8, 2022 and upon notice duly published and posted, a hearing was held on Monday, August 22, 2022 before the Town Board; and

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

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled "Video Conferencing" is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled "Video Conferencing" of the Town of Tuxedo be and hereby is adopted as Local Law #4 of the Town of Tuxedo on Monday, August 22, 2022.

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

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1. Resolution to Adopt Town’s Video Conferencing Public Body Meeting Participation Policy

Councilmember Reichgott hereby moves to adopt this policy for the Town of Tuxedo governing boards and was seconded by Councilmember Murphy:

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:

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- 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 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.

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

Agenda Item:

1. Resolution to approve Field Use Application

RESOLVED, on a Motion made by Councilmember Reichgott, seconded by Councilmember May, the Town Board of the Town of Tuxedo hereby approves the permit application submitted by the Community Activity Council to utilize the Powerhouse Park on September 24, 2022 the use of a Community Garage Sale and pop-up car show.

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

2. Resolution to approve the Town of Tuxedo to co-sponsor the community garage sale

RESOLVED, on a motion made by Councilmember Reichgott, seconded by Councilmember May that the Town Board of the Town of Tuxedo hereby approves use of Recreation funds to co-sponsor the community garage sale organized by the Tuxedo Community Activity Council.

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

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Supervisor English is in receipt of the following monthly report:

- Justice Court

Department Updates:

- Marisa Dollbaum, Town Clerk, gave a reminder for the Primary Election held tomorrow. The primary is for democratic voters only to select a candidate for the 18th Congressional District. Town Hall is the only polling location in Tuxedo and the hours are 6am to 9pm.

TOWN SUPERVISOR/TOWN BOARD UPDATE:

- Supervisor English said the Town of Tuxedo Summer Camp ended a successful season, with approximately 70 kids enrolled. The Camp included daily trips to the Wee Wah Lake, use of the TUFSD facilities and special trips to local attractions on Fridays. He gave thanks to Claire Dougher, part-time Recreation Coordinator and her team for organizing and running such a great experience for our kids. The first Tuxedo LDC PARIS (Public Assistance Reporting Information System) 2021 report was filed with the NYS Comptroller's Office. Thanks to Board members Michele Lindsay, John Banyo, Greg Gushee, for getting the LDC up to date. Their next meeting is scheduled for September 26th where we will reestablish the process for issuing grants to local businesses to help revitalize the Tuxedo Hamlet business District.
- Councilmember May thanked the Tuxedo PBA for hosting a successful fundraiser for the Tuxedo Dog Park on August 13th. She stated there was a tour of the Pollinator Meadow on July 29th with the great grandson of Frank E. Lutz who created the Station for the Study of Insects. She thanked members Kelly Spranger and Sue Scher for their continued work at the Pollinator Meadow.
- Councilmember Reichgott cautioned residents about the dry conditions.

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- Councilmember Murphy said she will follow up with the county to get a response on the speed limit reduction request on Long Meadow Rd. The Plein Air event now has a waiting list for participating artists. She will give updates on all the projects she is working on at the next meeting.

MINUTES

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on August 8, 2022.

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

VOUCHERS

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

Claim numbers: The Voucher Range is 2012920435 through 2012920496.

Voucher #2012920445 was deleted (Duplicate Invoice received)

Voucher #2012920132 and 2012920283 were both reissued (Stop payment- reissue- lost check)

General Fund:	\$132,357.85
Part-Town Fund:	\$79,120.60
Highway Town Wide:	\$14,735.73
Highway Part Town	\$47,043.34
<u>Total Abstract Amount:</u>	<u>\$273,257.52</u>

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

OTHER BUSINESS

1. Resolution to approve Temporary Sign Permit to Masker Orchards:

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, that the Town Board hereby issues a special sign permit to Masker Orchards, 129 Edgemere Ave, Greenwood Lake, New York, for a maximum of seven (7) directional signs measuring 14” X 22”, to be placed at the below listed locations for a period commencing late-August 2022 and ending no later than November 15, 2022, at which time all signs must be removed:

- On Route 17 just up from Tuxedo’s southern border
- On Route 17 near the turn to Rte. 17A
- At the base of the ramp on Route 17A
- At the top of the ramp on route 17A
- On Route 17A across from top of ramp (by parking lot)
- On Route 17A just before the Renaissance Faire
- On Route 17A by Benjamin Meadow Rd.

Masker Orchard will remit a total of \$175.00 for the permit to the Town Clerk.

The Board stipulates that Masker Orchards do not move signs around, leaving them to where they are approved for as stated above.

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

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PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May, to adjourn the meeting at 8:14pm.

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

Respectfully submitted,



Marisa Dollbaum
Town Clerk
Town of Tuxedo