

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
Also via Zoom
September 26, 2022**

Supervisor English called to order the Town Board Meeting of September 26, 2022 at 7:04pm.

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

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

Town Board Member Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Robert Dollbaum, Highway Superintendent

Agenda Items:

1. Resolution to Introduce Local Law and schedule Public Hearing to increase tax cap

BE IT RESOLVED that an introductory Local Law, entitled “Tax Levy Limit Override 2023 Fiscal Year” be and it hereby is introduced by Supervisor English, 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, Tuxedo, New York, at 7:00 PM on October 12, 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 five (5) days prior thereto.

On a motion by Supervisor English, seconded by Deputy Supervisor Lindsay, the resolution was adopted on a vote of 5 Ayes 0 Nays.

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**TOWN OF TUXEDO
INTRODUCTORY LOCAL LAW
TAX LEVY LIMIT OVERRIDE/2023 FISCAL YEAR**

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

Section 1. Legislative Intent.

It is the intent of this local law to allow the Town of Tuxedo to adopt a budget for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the governing body.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Tuxedo, County of Orange, is hereby authorized to adopt a budget for the Town of Tuxedo and for each of the special districts located within the Town of Tuxedo, for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 5. Effective Date.

This local law shall become operative and take effect immediately upon adoption.

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Resolution to re-open Public Hearing on Local Law #5 of 2022 (formerly known as Local Law #4 of 2022)

The public hearing for Introductory Local Law#5 of 2022 (formerly known as Local Law #4 of 2022) shall be re-opened to consider an amendment to said law which increases the required minimum number of single-family detached homes at the Tuxedo Farms PID from 239 to 269. Said hearing will occur at a meeting of the Town Board to be held at 7:15PM on October 12, 2022.

On a motion by Deputy Supervisor Lindsay, seconded by Councilmember May, the resolution was adopted on a vote of 5 Ayes 0 Nays.

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

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**Resolution Authorizing Agreement for Snow and Ice Control on Old Forge Road in
Warwick**

**AGREEMENT FOR CONTROL OF SNOW AND ICE ON CERTAIN
COUNTY ROADS PURSUANT TO ARTICLE 5-G
OF THE GENERAL MUNICIPAL LAW**

THIS AGREEMENT, made this _____ day of _____, 2022,
between **The TOWN OF WARWICK**, a Municipal Corporation of the State of New
York, and the **TOWN OF TUXEDO**, Orange County, New York (hereinafter referred to
as "**TOWN**").

WITNESSETH

WHEREAS, the **TOWN** has the necessary machinery and equipment to exercise
snow control upon certain **TOWN OF WARWICK** Roads in said **TOWN**, and it will
be beneficial to the **TOWN OF WARWICK** for said work to be performed by the
TOWN; and

WHEREAS, the **TOWN** is willing to exercise the aforesaid control on the terms
and conditions hereinafter set forth;

NOW, THEREFORE, pursuant to General Municipal Law, Article 5-G and in
consideration of the mutual covenants herein contained, it is agreed between the parties
hereto as follows:

(1) The **TOWN** will, during the period of one year from the date hereof, perform
all necessary work for the removal of snow and ice from the following **TOWN OF
WARWICK** Roads or appendix described, located in said **TOWN**, and for sanding and
otherwise treating them for the purposes of removing the danger of snow and ice.

(2) The **TOWN** will furnish all personnel, necessary highway tools and
equipment and cause the said work to be performed.

(3) For the above described snow control work, the **TOWN OF WARWICK**
will pay to the **TOWN** on or before the 15th day of April, 2023, the sum of \$6,000.00 for
the following road: Old Forge Road.

(4) The **TOWN** shall forthwith, through its **TOWN** Superintendent, notify the
TOWN OF WARWICK of any action, proceeding, claim, or demand against the
TOWN arising from or out of the manner of performance of the functions under this
Agreement.

(5) The **TOWN** shall maintain the following insurance covering the **TOWN** and
the **TOWN OF WARWICK** but only as it applies to the liability under this contract.

- a. General Liability Insurance with a combined single limit of \$1,000,000.
- b. Auto Liability Insurance with a combined single limit of \$1,000,000.
- c. Workers' Compensation coverage as provided for under the Workers'
Compensation Law.

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The municipality shall furnish the **TOWN OF WARWICK** with a Certificate of Insurance. The Certificate of Insurance will name the **TOWN OF WARWICK** as an additional insured as respects this contract.

(6) The **TOWN OF WARWICK** will provide insurance with limits of \$2,000,000 in excess of "A" and "B" of Paragraph "5" that will cover the Town's liability as it applies under this contract.

(7) Subject to provision and limits of Paragraph "5" of this Agreement, the **TOWN** agrees to defend, indemnify and hold harmless the **TOWN OF WARWICK**, its officers, employees, agents and/or servants against any claim arising from or occasioned by the manner of performance or non-performance of the functions under this Agreement.

IT WITNESS WHEREOF, THE SAID TOWN OF WARWICK has caused this Agreement to be signed by its Town Supervisor, pursuant to Resolution of its Town Board duly adopted and the **TOWN** has caused the same to be executed by its **TOWN** Supervisor, pursuant to Resolution of its **TOWN** Board, adopted _____, and a copy of which is annexed hereto as Exhibit "A".

<p>TOWN OF TUXEDO</p> <p>BY: <u><i>Kenneth English</i></u> Ken English Supervisor</p>	<p>TOWN OF WARWICK</p> <p>BY: _____ Michael P. Sweeton Supervisor</p>
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DATE: Sept. 23, 2022 DATE: _____

Motion made by Supervisor English, seconded by Councilmember Murphy that the Town Board hereby authorizes the Town Supervisor to execute and agreement with the Town of Warwick whereby the Town will provide services for the control of snow and ice on Old Forge Road for the 2022-2023 season, at the compensation rate of \$6,000.00.

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

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Department Updates:

- Robert Dollbaum, Highway Superintendent, said his department is finishing drainage work on Nursery Rd. Leaf pick up will begin on October 15th and go through December 15th. There is mulch and stone available at Quarry Field. They will finish screening materials for the year at dirt pile on Long Meadow Rd. They continue to cut grass and fields around Town. Paving in Laurel Ridge will begin next year since O&R replaced gas lines recently.
- Marisa Dollbaum, Town Clerk, gave a reminder that the first Town Board meeting in October is Wednesday the 12th. She announced a ribbon cutting ceremony on Thursday 9/29 at 10:30am at the old Chase Bank, which was donated to the Tuxedo Historical Society. The TUFSD Back to School Carnival is Fri 9/30 from 3pm-6pm. The General Election is Tuesday, November 8th and polls are open from 6am to 9pm. Important deadlines for the election will be posted on the website as well as early voting dates and times. Absentee ballot applications can be picked up in her office.

TOWN SUPERVISOR/TOWN BOARD UPDATE:

- Deputy Supervisor Lindsay said there will be training with Joule Assets for Town Hall employees to help them answer questions from the public about the Community Choice Aggregation Program.
- Councilmember May said she is researching options to use the 2nd payment of the ARPA money from COVID relief.
- Councilmember Reichgott recently toured the Highway garage to inspect the floors where areas are in need of repair. The Village Water Department are working on addressing recurring issues on Mountainside Rd. The Tuxedo Bag Project continues to collect bags to donate to the Sloatsburg Food Pantry.
- Councilmember Murphy said the Plein Air event has 30 artists signed up. The reception is Friday, September 30th from 6-8pm at the Tuxedo Train Station.

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MINUTES

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Murphy to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on September 12, 2022.

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	Deputy Supervisor:	Michele Lindsay	Aye
	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: 2012920585 through 2012920620

General Fund:	\$104,838.31
Part-Town Fund:	\$3,508.75
Highway Town Wide:	\$17,077.47
Highway Part Town	\$2,474.50
Hamlet Sewer District	\$603.00
Trust and Agency	\$5,801.50
Total Abstract Amount:	\$164,772.85

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

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PUBLIC COMMENTS

A list of comments/questions submitted through the chat feature on Zoom are attached.

OTHER BUSINESS

RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING – FOOD TRUCKS

BE IT RESOLVED that an introductory Local Law, entitled, “FOOD TRUCKS” 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 October 24, 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 Councilmember Reichgott, seconded by Supervisor English, the resolution was adopted on a vote of 5 Ayes, 0 Nays.

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

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ADJOURNMENT

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May to adjourn the meeting at 8:57pm.

ON ROLL-CALL VOTE;	Supervisor:	Kenneth English	Aye
	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