

**Regular Town Board Meeting
Town of Tuxedo
Via WebEx
November 28, 2022**

Deputy Supervisor Lindsay called to order the Town Board Meeting of November 28, 2022 at 7:03pm.

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

Town Board Members Present:	Mr. Kenneth English	Supervisor (via Zoom)
	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; Mr. John Trazino, Police Chief

Other Town Officials Present via Zoom:

Mr. Howard Protter, Town Attorney

Public Comments on Agenda Items

There were no public comments.

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Agenda Item#1

- A. Resolution to accept grant and authorize Town Supervisor to sign agreement to purchase Livescan equipment and software:

RESOLVED, motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, that the grant from the New York State Division of Criminal Justice Services in the amount of \$15,000 for the purchase of enhanced fingerprint technology is approved and accepted and the supervisor be and hereby is authorized to sign the grant agreement on behalf of the Town; and

Be it further resolved that the town authorizes the procurement of the equipment in an amount not to exceed \$20,000.00.

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

- B. Resolution to accept budget modifications recommended by Andrew Arias for the purchase of the Livescan equipment and software:

RESOLVED, On a motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, hereby approves to following budget modifications:

- 1) Increase B3120.2 by \$19,000
- 2) Increase B2706 (Local Govt. Grant) for \$4,000
- 3) Increase B4320 by \$15,000 for the federal grant

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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Agenda Item #2

Budget Modifications

RESOLVED, On a motion made by Deputy Supervisor Lindsay, seconded by Councilmember Murphy, the Town Board of the Town of Tuxedo hereby approves the budget modifications contained in the memo dated October 31, 2022 from Arias Cooper, which are listed below.

**TO Tuxedo
Proposed Budget Modifications
October 2022**

Account	Description		
Revenues		Decrease	Increase
A2610	Fines and Forfeited Bail		155,973.00
A3089	State Aid DASHY		100,000.00
A4998	Federal Aid ARPA		66,627.00
A599	Fund Balance		378,500.00
Expenditures		Increase	Decrease
A1110.401	Justice Court - Contractual	8,000.00	
A1410.100	Town Clerk - Personnel	10,000.00	
A1410.401	Town Clerk - Contractual	4,000.00	
A1910.401	Unallocated Insurance	13,500.00	
A1940.200	Purchase of Land	106,500.00	
A1355.401	Assessor - Contractual	28,000.00	
A1620.100.2027	Operation of Plant - Personnel	64,100.00	
A1620.401	Operation of Plant - Contractual	235,000.00	
A1670.401	Central Printing and Mailing	2,500.00	
A1680.401	Central Data Processing - Contractual	10,000.00	
A1980.401	MTA Commuter Tax	2,500.00	
A5010.401	Supt. of Highways - Contractual	3,000.00	
A5132.100	Garage - Personnel	14,000.00	
A7020.100	Recreation - Personnel		15,000.00
A7020.401	Recreation - Contractual	15,000.00	
A7110.200	Parks - Equipment	141,000.00	
A7310.100	Youth Program - Personnel	28,000.00	
A9040.800	Workers Compensation	11,000.00	
A9060.800	Health Insurance	20,000.00	
TOTALS GENERAL A FUND		716,100.00	716,100.00
Expenditures		Increase	Decrease
B1910.401	Unallocated Insurance	4,300.00	
B1980.401	MTA Commuter Tax	3,000.00	
B3120.100	Police - Personnel		37,300.00
B9040.800	Workers Compensation	30,000.00	
TOTALS GENERAL B FUND		37,300.00	37,300.00

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TO Tuxedo
Proposed Budget Modifications
October 2022

Expenditures		Increase	Decrease
DAS139.200	Machinery - Contractual	138,200.00	
DAS142.401	Snow Removal - Contractual		138,200.00
TOTALS HIGHWAY DA FUND		138,200.00	138,200.00
Expenditures		Increase	Decrease
DAS119.100	General Repairs - Personnel		46,000.00
DAS112.200	Improvements Capital Outlay	31,000.00	
DAS143.800	Workers Compensation	15,000.00	
TOTALS HIGHWAY DB FUND		46,000.00	46,000.00

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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Agenda Item #3

Settling of Tax Certiorari Claim

At a meeting of the Town Board of the Town of Tuxedo, County of Orange, State of New York, held at Town Hall in said Town on the 28th day of November, 2022;

WHEREAS, THE TUXEDO CLUB, INC. 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:

2020-21 tax assessment year bearing Orange County Index # EF003790-2020
2021-22 tax assessment year bearing Orange County Index # EF004769-2021
2022-23 tax assessment year bearing Orange County Index # EF003633-2022

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of Jacobowitz and Gubits, 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, THE TUXEDO CLUB, INC. is willing to settle these proceedings without interest, costs or disbursement, in the following manner:

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(1) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$40,000 to a total assessment of \$29,980 for tax map no. 221-1-3;

(2) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$1,079,200 to a total assessment of \$808,150 for tax map no. 216-1-15.1;

(3) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$68,050 to a total assessment of \$50,960 for tax map no. 216-1-2;

(4) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$1,280,000 to a total assessment of \$773,680 for tax map no. 107-1-3.2;

(5) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$48,000 to a total assessment of \$29,170 for tax map no. 104-1-47;

(6) That the proceeding for the 2020-21 tax year be compromised and settled by the assessment being reduced from \$11,500 to a total assessment of \$6,960 for tax map no. 107-1-2.2;

(7) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$41,000 to a total assessment of \$31,100 for tax map no. 221-1-2;

(8) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$40,000 to a total assessment of \$30,780 for tax map no. 221-1-3;

(9) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$1,079,200 to a total assessment of \$779,700 for tax map no. 216-1-15.1;

(10) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$68,050 to a total assessment of 48,600 for tax map no. 216-1-2;

(11) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$1,280,000 to a total assessment of \$774,660 for tax map no. 107-1-3.2;

(12) That the proceeding for the 2021-22 tax year be compromised and settled by the

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assessment being reduced from \$48,000 to a total assessment of \$29,150 for tax map no. 104-1-47;

(13) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$11,500 to a total assessment of \$7,000 for tax map no. 107-1-2.2;

(14) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$41,000 to a total assessment of \$20,190 for tax map no. 221-1-2;

(15) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$40,000 to a total assessment of \$20,050 for tax map no. 221-1-3;

(16) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$1,079,200 to a total assessment of \$533,880 for tax map no. 216-1-15.1;

(17) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$68,050 to a total assessment of \$33,600 for tax map no. 216-1-2;

(18) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$4,350 to a total assessment of \$2,030 for tax map no. 214-1-40;

(19) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$1,280,000 to a total assessment of \$712,150 for tax map no. 107-1-3.2;

(20) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$48,000 to a total assessment of \$26,730 for tax map no. 104-1-47;

(21) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$11,500 to a total assessment of \$6,370 for tax map no. 107-1-2.2;

(22) That the application of RPTL § 727 shall not apply with respect to this settlement solely to allow for the 2023 assessments to be established at figures not to exceed the following assessments:

Assessment

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221-1-2	20,190
221-1-3	20,050
216-1-15.1	533,880
216-1-2	33,600
214-1-40	2,030
107-1-3.2	684,955
104-1-47	25,686
107-1-2.2	6,154

(23) That the Petitioner's real property taxes on said parcels above described for the 2020-21 2021-22 and 2022-23 School taxes and for the 2021, 2022 and 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 Jacobowitz and Gubits, 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 Deputy Supervisor Lindsay, seconded by Councilperson Murphy, the foregoing resolution was adopted to 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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Department Updates:

- John Trazino, Police Chief, said Tuxedo Police Officers attended tactical training for mass casualties. He is in the process of setting up a training event, which will be open to the community.
- Robert Dollbaum, Highway Superintendent, said they have two trucks circulating the Town for leaf pick up, which will run until December 15th. They are borrowing a bucket truck from the Town of Monroe to hang lights at the Train Station. They submitted a claim for the damaged speed radar trailer to the insurance company for reimbursement.
- Marisa Dollbaum, Town Clerk, announced the Tree Lighting Ceremony on Friday, December 2nd at 5pm. The TUFSD Jazz Ensemble will perform and there will be crafts, refreshments and an appearance by Santa. There is still time to complete the Senior Survey and there is a link on our website for anyone that needs a copy. The TUFSD is hosting their annual toy drive and there are collection boxes throughout Town, including Town Hall. She informed the Town Board that the Special Permit for Tuxedo Farms was filed as required with OC Planning and the Planning Board.

TOWN BOARD UPDATE:

- Supervisor English said they are currently recruitment full time Police Officers. The NYS Power Authority met last week to discuss energy saving options. The Tuxedo Farms Special Permit was approved on November 22nd and the new sewer plant will be activated in the near future.
- Deputy Supervisor Lindsay said the Tuxedo LDC board met today and worked on finalizing the application for Hamlet Revitalization grant process. There will be an information meeting for applicants on January 17th at 7pm.
- Councilmember Murphy has been communicating with Burgis group about the study they are conducting for Hamlet Revitalization. She is waiting for a letter of support from the TUFSD to submit with the resolution that was approved to request a study by the NYSDOT to designate a school zone in front of TUFSD. She announced the Holiday Concert on Saturday, December 17th at 4pm at St. Mary's.

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MINUTES

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Murphy to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on November 14, 2022.

ON ROLL-CALL VOTE; Supervisor: Kenneth English Abstained
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 May, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012920830 through 2012920883. Voucher #2012920845 has been deleted.

General Fund:	\$51,525.27
Part-Town Fund:	\$14,415.69
Highway Town Wide:	\$3,813.85
Highway Part Town	\$3,631.58
Hamlet Sewer District	\$0
Refuse and Garbage Disposal	\$31,408.37
Trust and Agency	\$12,833.00
Total Abstract Amount:	\$117,627.76

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

- Resident Jerry Mottola asked if the speed radar signs could be permanently placed on Route 17.
- Resident John Sandak asked when the leaf pick up would end. Highway Superintendent Dollbaum let him know that leaf collection will end on December 15th.
- Resident Dale Mottola asked about how people would be notified of LDC applications and if there was a deadline to applying.

Other Business


Deputy Supervisor Lindsay brought up the Peabody Project submitted by resident Maureen Coen. The purpose is to help with feral cats in Tuxedo. The proposal suggests the Town match a private donation to help spay/neuter feral cats. Deputy Supervisor Lindsay suggested that Maureen Coen comes to a meeting in January to discuss options.

ADJOURNMENT

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Supervisor English, to adjourn the meeting at 8:48pm.

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