

AGENDA
REGULAR BI-MONTHLY TOWN BOARD MEETING
Community Room, 1 Temple Dr., Tuxedo, NY 10987 and via Zoom
Monday, November 27, 2023 at 7:00pm

Call to Order
Pledge of Allegiance

Oath of Office Ceremony

Promotion of Detective Shiloh
Savino Citriniti
Michael Tierney
Colin Cooper

Public Hearing

Franchise Agreement with Cablevision of Rockland/Ramapo, LLC

Public Comment on Agenda Items

Agenda Items

1. Resolution to approve purchase of Chevy Tahoe(s) for Police Department
2. Resolution to Introduce Local Law entitled “Low Income Senior Exemption” and set Public Hearing
3. Resolution to consider bid proposal for Sewer and Manhole Project

Department Updates
Supervisor’s Update
Town Board Update
Minutes
Vouchers
Public Comments
Other Business
Adjournment

Call to Order

_____ called to order the Town Board Meeting of November 27, 2023 at _____pm.

Pledge of Allegiance to the Flag

Oath of Office

Public Hearing

A Public Hearing regarding the FRANCHISE RENEWAL AGREEMENT between the Town of Tuxedo, Orange County, State of New York and Cablevision of Rockland/Ramapo, LLC was opened by _____ at _____pm.

Open Public Comments



Close Public Hearing?

Motion made by _____ seconded by _____, that all persons desiring to be heard, having been heard, the Public Hearing regarding the FRANCHISE RENEWAL AGREEMENT between the Town of Tuxedo, Orange County, State of New York and Cablevision of Rockland/Ramapo, LLC be closed at _____pm.

Public Comment(s) on Agenda Items

Agenda Item #1 Resolution to approve purchase of Chevy Tahoe(s) for Police Department

Motion made by _____, seconded by _____ that the Town Board hereby approves the purchase of (1 or 2) Chevy Tahoe(s) from Chevrolet of Smithtown for a cost of up to (\$50,000.00 or \$100,000.00) for the Police Department.

				920 Middle Country Road Saint James, New York 11780 661-265-6000 Fax: 631-265-6001	
Facility No. 7110298		wwwchevroletofsmithtown.com			
PURCHASER NAME <u>Tuxedo PD</u>		DATE <u>9/1/2023</u>		S/P <u>R B F</u>	
PURCHASER ADDRESS <u>1075 Route 17</u>		EMAIL _____			
Southfields, NY		ZIP CODE <u>10974</u>			
BUS. PHONE _____		HOME PHONE _____		CELL PHONE _____	
PLEASE ENTER MY ORDER FOR ONE: <input type="checkbox"/> NEW <input type="checkbox"/> USED <input type="checkbox"/> DEMONSTRATOR STOCK # _____					
YEAR <u>2023</u>	MAKE <u>Chevrolet</u>	MODEL <u>Tahoe PPV1</u>	BODY TYPE _____	ESTIMATED DELIVERY DATE _____	
COLOR <u>Black</u>	VIN <u>1GNSKLED9PR439095</u>	V _____		VALID IF DELIVERED ON OR BEFORE _____	
<small>To be delivered upon notification by the seller that the car is available for delivery. No promises, express or implied. Have been made regarding the delivery date of the car hereby ordered and no promise or representation has been made regarding the manner in which car orders will be filled by the seller. It is understood that no such promises or representations shall bind the seller unless made in writing and signed by sales manager.</small>					
<small>IF THE MOTOR VEHICLE HAS NOT BEEN DELIVERED IN ACCORDANCE WITH THIS CONTRACT WITHIN 30 DAYS FOLLOWING THE ESTIMATED DELIVERY DATE, THE CONSUMER HAS THE RIGHT TO CANCEL THE CONTRACT AND TO RECEIVE A FULL REFUND, UNLESS THE DELAY IN DELIVERY IS ATTRIBUTABLE TO THE CONSUMER.</small>					
FACTORY INSTALLED EQUIPMENT				CASH PRICE OF UNIT \$ <u>47,982.07</u>	
BOCES Bid #19/20-045 ex.2C					
SUBJECT TO PRIMARY LENDERS APPROVAL					
<small>IF YOU AGREE TO ASSIST ME IN OBTAINING FINANCING FOR ANY PART OF THE PURCHASE PRICE, THIS ORDER SHALL NOT BE BINDING UPON YOU OR ME UNTIL ALL THE CREDIT TERMS ARE PRESENTED TO ME IN ACCORDANCE WITH REGULATION "Z" (TRUTH-IN-LENDING) AND ARE ACCEPTED BY ME. IF I DO NOT ACCEPT THE CREDIT TERMS WHEN PRESENTED, I MAY CANCEL THIS ORDER AND MY DEPOSIT WILL BE REFUNDED.</small>			DEALER INSTALLED EQUIPMENT AND SERVICES (+)		
<small>SPECIAL NOTICE TO CONSUMER</small>			DIESEL STATE INSPECTION (+) \$		
<small>IF UNDER THE LAW OF THE STATE OF NEW YORK CONTROLLING SALE OF USED MOTOR VEHICLES, YOU SHOULD BE ENTITLED TO A REFUND OR CREDIT FOR THIS TRANSACTION. THE VALUE OF ANY VEHICLE YOU MAY TRADE IN IF THE SELLER CHOOSES NOT TO BE REFUNDED TO YOU SHALL NOT BE THE VALUE LISTED IN THIS OCCASIONAL BUYER'S CAR GUIDE UNLESS THE VALUE OF THE ORIGINAL AND AUTO DEALERS ASSOCIATION USED CAR GUIDE UNLESS THE VALUE OF OTHER CLASSE APPROVED BY THE CONSUMER OF MOTOR VEHICLES, AND ADJUSTED FOR USAGE, IMPROVEMENTS AND MAJOR PHYSICAL OR MECHANICAL DEFECTS.</small>			COMMERCIAL UPFITTER SURCHARGE 1.5% (+) \$		
<small>CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY</small>			OTHER (+) \$		
<small>*THE INFORMATION YOU SEE ON THE GENERAL TRADE COUSIONARY TRANSFER FORM FOR THE VEHICLE IS PART OF THIS CONTRACT INFORMATION ON THE WANDY FORM OVERSIZES AND CONTRARY PROMISES IN THE CONTRACT OF SALE.*</small>			ALLOWANCE FOR TRADE-IN (-)		
<small>PRIOR USE CERTIFICATION DISCLOSURE BY THE VEHICLE AND TRAFFIC LAW 417-A-A IF THE PRINCIPAL USE OF THE VEHICLE WERE AS A POLICE VEHICLE, TAXICAB, DRIVER EDUCATION VEHICLE OR RENTAL VEHICLE, THE PRINCIPAL PRIOR USE OF THE VEHICLE WERE AS A POLICE VEHICLE, TAXICAB, A DRIVER EDUCATION VEHICLE OR RENTAL VEHICLE.</small>			SUB TOTAL (=)		
SEE OTHER SIDE FOR ADDITIONAL TERMS			TAX (+)		
DESCRIPTION OF THE TRADE-IN			N.Y STATE INSPECTION (+) <u>10.00</u>		
YEAR _____	MAKE _____	MODEL _____	BODY STYLE _____	COLOR _____	TRIM _____
BAL. OWED TO WHOM			NYS REQUIRED TIRE RECYCLING FEE (\$2.50 PER TIRE) (+)		
ADDRESS _____			DEALER'S OPTIONAL FEE FOR PROCESSING APPLICATION FOR REGISTRATION AND/OR CERTIFICATE OF TITLE, AND FOR SECURING SPECIAL OR DISTINCTIVE PLATES (IF APPLICABLE). THIS IS NOT A DMV FEE. \$75.00		
ACCT. NO. _____			BALANCE OWED (+)		
PAYOFF _____			SUB TOTAL (=) \$		
VER. BY _____			REBATE AMOUNT (-) \$		
TRADE-IN SUBJECT TO REAPPRAISAL AT TIME OF DEL.			TOTAL \$47,994.00		
NEW PLATES <input type="checkbox"/>			PARTIAL PAYMENT ON CONTRACT <input type="checkbox"/> CASH <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> CHECK		
INS. FORM <input type="checkbox"/>			DUE ON DELIVERY: BANK CHECK - CASH - CERTIFIED CHECK		
DRIVER'S LIC. <input type="checkbox"/>			AMOUNT FINANCED ^{OR PAY}		
RE-REG <input type="checkbox"/>			BANK		
PLATE # _____			BALANCE DOES NOT INCLUDE FEE FOR REGISTRATION		
EXP. DATE _____			BALANCE MUST BE PAID IN FULL BEFORE OBTAINING PLATES, IF RE-REG, CASH OR CERTIFIED CHECK ON DELIVERY		
Purchaser agrees that this Order includes all of the terms and conditions on both the face and reverse side hereof, that this Order cancels and supersedes any prior agreement and as of the date hereof comprises the complete and exclusive statement of the terms of the agreement relating to the subject matters covered hereby and that THIS ORDER SHALL NOT BECOME BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE. Purchaser by his execution of this Order acknowledges that he has read its terms and conditions and has received a true copy of this Order. I have read the matter printed on the back hereof and agree to it as a part of this order the same as if it were printed above my signature. I certify that I am 18 years of age or older, and hereby acknowledge receipt of a copy of this order. It is non-cancelable. Deposit is non-refundable.					

Agenda Item #2 -Resolution to Introduce Local Law entitled “Low Income Senior Exemption” and set Public Hearing

**TOWN OF TUXEDO
LOCAL LAW NO. _ OF 2023
REAL PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**

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

Section 1. Article I of Chapter 88 of the Code of the Town of Tuxedo entitled “Senior Citizens Tax Exemption, Section 88-3 (A) is hereby amended to incorporate the NYS Real Property Tax Law §467 definition of “income” for purposes of calculations of exemptions and shall read as follows:

§ 88-3 Qualification for exemption.

No exemption shall be granted under the provisions of this article:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum established in the schedule contained in § ~~88-1~~. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall ~~include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital assets which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of personal property held for the production of income~~ be as defined in New York State Real Property Tax Law §467.

Section 2. This local law shall take effect upon filing with the New York State Secretary of State.

BE IT RESOLVED that an introductory Local Law, entitled, “**REAL PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**” be and it hereby is introduced by _____, 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 December 11, 2023**, 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 _____, seconded by _____, the resolution was adopted on a vote of ____ Ayes, ____ Nays.

Agenda Item #3 - Resolution to consider bid proposal for Sewer and Manhole Project

Motion made by _____, seconded by _____, that the Town Board of the Town of Tuxedo hereby accepts bid proposal for Sewer & Manhole Rehabilitation submitted by _____ in the amount of \$ _____, and allows Supervisor English to sign the contract.

Via E-Mail Only

November 21, 2023

Kenneth English, Supervisor & Town Board
Town of Tuxedo
1 Temple Drive
Tuxedo, NY 10987

Re: Sanitary Sewer and Manhole Rehabilitation
Tuxedo Hamlet Sewer District
Receipt of Proposals

Dear Supervisor English & Town Board,

Sealed proposals were received Thursday, November 16, 2023 for rehabilitation of sanitary sewers and manholes within the Tuxedo Hamlet Sewer District. Immediately after the official closing of bids, all proposals were opened and the total of each read aloud. A complete tabulation of bids is enclosed and summarized below:

No.	Bidder	Total Amount Bid ¹
1	TAM Enterprises, Inc.	\$837,866.30
2	Arold Construction Co. Inc.	\$1,333,525.00

¹ Sum of all individual unit price items see attached bid tabulation.

The apparent low bid included two (2) inconsistencies as indicated in the attached bid tabulation by italicized text. We understand Attorneys Protter and Lavine will advise you further in this regard.

For unit price contracts, the lowest bidder is established by the total of the unit prices bid for various items times the quantities estimated based on available information of existing conditions. In this case, the bid includes unit price bid items with estimated quantities based upon the Highway Department's field inspections in early 2023 and the sanitary sewer and manhole inspections conducted by Inliner Solutions, LLC in March 2023. Some bid items may or may not be required and will depend on the conditions discovered upon entering each sanitary sewer and manhole. The award of a contract does not guarantee the contractor the full amount, since quantities may be less than those estimated, nor does it guarantee the quantities will not be exceeded and the total amount greater than the bid. The proposal requires the lowest bidder be established by the sum of all bid items including individual unit price bid items. In our opinion, you have received a competitive price for the work.

TAM Enterprises, Inc. (TAM) of Goshen, New York submitted the apparent low bid. Their bid included the required bid security, Qualifications Statement, Non-Collusive Bidding, Iran Divestment Act and Sexual Harassment Prevention Certifications. TAM has recently completed the repairs to the Tuxedo Train Station for the Town. In our opinion, they poses the knowledge and experience necessary for this project. We spoke with a representative of TAM, and they are prepared to proceed should you choose to make an award.

Legal Review – We have provided copies of the apparent low bidder's proposal to Attorneys Protter and Lavine for their review. We presume they will report to you directly on their determination of legal sufficiency. Should you decide to make an award, we will provide copies of the documents for contract execution.

Financing – Prior to awarding the contract, we recommend you confirm with the Town finance department that funds are in place to cover the total cost of the project.

Award of Contracts – Under NYS public bidding law, bidders must hold their price firm for 45 days. If you intend to award the contract, you must do so within this 45-day period (i.e., by December 31, 2023) unless you obtain a voluntary extension from the bidder.

Summary – In conclusion, we believe the Town received a competitive proposal for the work contemplated. The low bidder has the capability to perform the required work and, if Attorneys Protter and Lavine advise the bid documents are legally sufficient and funds are available, an award can be made to the apparent low bidder.

If you have any questions, please do not hesitate to call.

Very truly yours,

HOFFMAN ENGINEERING SERVICES



Department Updates:

TOWN SUPERVISOR/TOWN BOARD UPDATE:

MINUTES

Motion made by _____, seconded by _____ to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on November 13, 2023.

VOUCHERS

Below are the vouchers totaling \$5000 or greater:

2012922454	H2O Innovation O&M	\$6,606.40	Monthly Fee
2012922454	Town of Tuxedo	\$7,235.91	PD Fuel Sept/Oct
2012922491	MVP Healthcare	\$5,661.24	Dec 23 Town Hall & Elected insurance Premiums
2012922494	J&G Law	\$26,705.59	October 23 Legal Fees
2012922503	Robert Young & Sons Paving	\$5,778.50	Asphalt
2012922512	IBEW Local 363	\$13,440.00	Highway health insurance November 2023

On a motion made by _____, seconded by _____, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers:

General Fund:	\$54,766.98
Part-Town Fund:	\$11,475.54
Highway Town Wide:	\$10,072.32
Highway Part Town	\$29,080.89
Refuse and Garbage	\$0
Hamlet Sewer District	\$12,493.40
Tuxedo Farms Sewer	\$0
Total Abstract Amount:	\$117,889.13

PUBLIC COMMENTS

ADJOURNMENT

Motion made by _____ seconded by _____, to adjourn the meeting at _____ pm.