

Regular Town Board Meeting
This meeting was held virtually through WebEx
January 11, 2021

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, December 28th, via WebEx, and called to order by Supervisor English at 7:01 pm.

A recording of the meeting will be available on the Tuxedo YouTube site.

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

Town Board Members Present:

Mr. David McMillen	Councilmember
Ms. Maria May	Councilmember
Mr. Jay Reichgott	Councilmember
Mrs. Michele Lindsay	Deputy Supervisor
Mr. Kenneth English	Supervisor

Town Board Members Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Howard Protter, Esq.; Mr. Brian Sullivan, Bookkeeper; Mr. Robert Dollbaum, Highway Superintendent; Mr. Frank Pevery, Zoning Board Chairman; David Maikisch, Building Inspector

MINUTES:

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to accept the minutes of the Regular Town Board Meeting held on December 28th.

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

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VOUCHERS:

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

Claim numbers: 2012917851 to 2012917888

General Fund :	\$69,187.80
Part-Town Fund:	\$8,037.42
Highway Town Wide :	\$9,810.10
Hamlet Sewer District:	\$11,185.36
Trust and Agency	\$11,458.02
Total Abstract Amount:	\$98,220.68

Supervisor Kenneth English	Aye
Deputy Supervisor Michele Lindsay	Aye
Councilmember David McMillen	Aye
Councilmember Maria May	Aye
Councilmember Jay Reichgott	Aye

TOWN SUPERVISOR UPDATE

- Kenneth English stated the Tuxedo Farms LDC issued a letter to request a meeting with Andrew Dance, Executive Vice President of The Related Company, to help facilitate the activation of the sewer treatment plant. The first meeting for the Police Reform Collaboration will be held on Thursday, January 14th at 5pm. The Town/Village Consolidation went into effect on January 1, 2021. Leases at the Long Meadow property were renegotiated and will help bring in an additional \$25,000.00 annually.

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TOWN BOARD UPDATES

- Michele Lindsay, Deputy Town Supervisor, will work with Town Attorney, Marissa Weiss to write a report on the Town/Village Consolidation, which will be posted on the website. She said the meetings for the Climate Smart Community Task Force are held on the first Monday of each month at 5:30pm. The P.O.R.E. committee is planning a few Town events for the spring or summer. She advised anyone interested in joining any of those committees to reach out to her.
- Maria May, Councilmember, nothing to report, but wanted to thank Ken for their work with the Town reorganization.
- Jay Reichgott, Councilmember, gave an update on the Arden dam. He stated that the final emergency plan will not be accepted if it has the Town listed as having any liability or jurisdiction over the dam. Additionally, he has been in contact with Tectonic Engineering regarding Verizon cell towers to help upgrade to cell service on the Route 17 corridor.
- David McMillen, Councilmember, had nothing to report.

DEPARTMENT UPDATES

- Building Inspector, Dave Maikisch, said he has been making weekly visits to the property in Southfields to check on the progress of vehicles being removed. There were a total of forty four vehicles and now there are twenty eight. All twenty eight vehicles are registered in Vermont and the owner provided the registration paperwork.
- Police Chief, Arthur Abbott, gave thanks to Officer Shiloh and Officer Hall for their response to a call to assist a new officer in the Tuxedo Park Police Department. They were able to safely deescalate the situation. Chief Conklin from the Tuxedo Park Police Department submitted a letter of commendation for their mutual aid and professionalism.
- Marisa Dollbaum, Town Clerk, reminded residents that the tax collection is still in process. Statements can be viewed or printed from the website or she can email them if you call her office. She stated the annual training held by the Association of Towns will be held virtually this year in February.
- Supervisor English gave an update for the Justice Court. He stated the NYS Courts have closed down all in person court appearances. He mentioned that the Tuxedo Court is able to take credit card payments.
- Rob Dollbaum, Highway Superintendent, said the Highway Dept. resumed their tree trimming again. They are starting by the South Gate and working their way to Eagle Valley. They are also picking up Christmas trees and brush left on the side of the road. They are also working on repairing trucks that were damaged in the last snow storm. He also said he is going to meet with O&R to discuss trees that are hanging over wires that the Highway Dept. are not allowed to remove.

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Public Comments on Agenda Items:

- There were no public comments.

Other Business

1. 2020-2021 Tax Certiorari Proceedings

WHEREAS, the following tax certiorari proceeding has been commenced against the Town of Tuxedo to contest the 2021-2021 tax roll:

Name: Tuxedo NY LLC Index No.: EF003179-2020

NOW, THEREFORE, BE IT RESOLVED by the Town Board or the Town of Tuxedo, Orange County, New York, that the law firm of Jacobowitz and Gubits, LLP, is hereby authorized to defend the Town in the above-mentioned case.

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

2. Award Contract to HydroEnvironmental Solutions, Inc. to begin testing at the Long Meadow Rd. property

Discussion:

The Town received two proposals and HydroEnvironmental Solutions, Inc. is more comprehensive. The Town Board agrees that their proposal covers a larger scope and would be more beneficial to what the Town needs. The Highway Department made a lot of progress separating material, but the DEC will not allow anything to be removed until it is tested properly.

RESOLVED, the Town Board awards Phase1 of the HydroEnvironmental Solutions, Inc. contract not to exceed \$25,000.00 for testing soil at the Long Meadow Rd. property as per their specifications in their proposal.

On a motion made by Councilmember Reichgott, seconded by Supervisor English, the foregoing resolution was adopted on a vote of 5 Ayes, 0 Nays.

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AGENDA ITEM:

1. Town Reorganization

Office of the Town Supervisor

As per Town Law, the Supervisor as an elected official appointed the following positions:

Deputy Supervisor (Unclassified)	Michele K. Lindsay
Budget Officer	Kenneth English
Secretary to Supervisor - Full-Time (Civil Service - Exempt)	TBA

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that the hourly wage rate for **Secretary to Supervisor** (Civil Service #1576 - Exempt) is \$32.37 per hour for 30 hours per week (1560 hours annually). Budget Code A1220 for \$50,497.20.

RESOLVED, that **Brian Sullivan** is re-appointed to the part-time position of **Account Clerk** in the Office of the Town Supervisor (Civil Service #1001 - Non-Competitive) at the hourly rate of \$32.37 per hour for 30 hours per week (1560 hours annually). Budget Code A1220 for \$50,497.20.

Office of the Town Clerk

As per Town Law, the Town Clerk as an elected official appointed the following positions:

Deputy Town Clerk / Deputy Registrar - Part-Time (Civil Service - Exempt)	TBA
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Supervisor Kenneth English offered the following reorganization meeting resolution and moved its adoption.

RESOLVED, that the hourly wage rate for **Deputy Town Clerk** (Civil Service #1215 - Exempt) is \$18.36 per hour for 18 hours per week (936 hours annually). Budget Code A1410 for \$17,184.96.

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Building Department

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that **David Maikisch** is re-appointed to the part-time position of **Building Inspector III** (Civil Service #1104 - Competitive) at the hourly rate of \$40.61 per hour for 30 hours per week (1560 hours annually). Budget Code B3620 for \$63,345.67.

RESOLVED, that **Deborah Villanueva** is re-appointed to the full-time position of **Project Coordinator** for the Building Department, Planning Board, and Zoning Board of Appeals (Civil Service #1488 - Non-Competitive) at the hourly rate of \$32.37 per hour for 35 hours per week (1820 hours annually). Budget Code B3620 for \$58,913.

Highway Department

Supervisor Kenneth English offered the following reorganization meeting resolution and moved its adoption.

RESOLVED, that the wage rates of bargaining unit employees in the Highway Department are as negotiated in the Collective Bargaining Agreement with the International Brotherhood of Electrical Workers.

Other Town Offices

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that the employee to be appointed later to the part-time position of **Clerk/Recreation Coordinator** (Civil Service - Competitive), pending approval from Orange Country Civil Service, is at the hourly rate of \$23.31 per hour for 30 hours per week (1560 hours annually). Budget Code A1220 for \$36,363.60. *This position may be assigned when needed to provide clerical support to the highway department, building department, Office of the Town Supervisor, and other Town departments.*

RESOLVED, that **Michelle Reed** is re-appointed to the part-time position of **Clerk** (Civil Service #1165 - Non-Competitive) is at the hourly rate of \$18.36 per hour for 15 hours per week (780 hours annually). Budget Code A5010 for \$14,320.80. *This position is assigned to the highway department and may also be assigned when needed to provide clerical support building department, Office of the Town Supervisor, and other Town departments.*

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RESOLVED, that **Hugh Davies** is re-appointed to the part-time position of **Assessor** (Civil Service #1025 - Non-Competitive) at the salary of \$31,518 and that the minimum hours be 1040 per annum scheduled as needed seasonally for such position. Budget Code A1025 for \$31,518.

RESOLVED, that **Arthur Abbott** is re-appointed to the full-time position of **Police Chief** (Civil Service #1470 - Competitive) at the salary of \$35,000. Budget Code B3120 for \$35,000.

RESOLVED, that the wage rates of bargaining unit employees in the **Police Department** are as negotiated in the Collective Bargaining Agreement with Teamsters Local 445.

RESOLVED, that the employee to be appointed later to the part-time position of **Animal/Dog Control Officer** (Civil Service #1020 - Non-Competitive) is at the salary of \$8,221. Budget Code A3510 for \$8,221.

Justice Court

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that **Claire Squillini** is re-appointed - with the advice and consent of the Town Justices - to the full-time position of **Clerk to Town Justice** (Civil Service #1175 - Exempt) at the hourly rate of \$29.38 per hour for 35 hours per week (1820 hours annually). Budget Code A1110 for \$53,477.58.

RESOLVED, that **Patricia Marsh** is re-appointed - with the advice and consent of the Town Justices - to the part-time position of **Clerk to Town Justice** (Civil Service #1175 - Exempt) at the hourly rate of \$23.31 per hour for 28 hours per week (1456 hours annually). Budget Code A1110 for \$33,937.44.

RESOLVED, that **Barbara Ginley** is re-appointed to the part-time position of **Assistant Court Clerk** (Civil Service #1052 - Non-Competitive) at the hourly rate of \$20.06 per hour for 15 hours per week (780 hours annually). Budget Code A1110 for \$15,649.86.

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Elected Officials

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that the yearly salaries be approved as stated for the following Town Officials:

Supervisor Kenneth English	\$37,593	Term: 12/31/2021
Deputy Supervisor Michele Lindsay	\$12,395	Term: 12/31/2023
Town Board Member David McMillen	\$7,395	Term: 12/31/2021
Town Board Member Maria May	\$7,395	Term: 12/31/2023
Town Board Member Jay Reichgott	\$7,395	Term: 12/31/2021
Town Clerk/Tax Collector Marisa Dollbaum	\$60,000	Term: 12/31/2021
Highway Superintendent Robert Dollbaum	\$95,660	Term: 12/31/2023
Town Justice Shawn Brown	\$27,344	Term: 12/31/2021
Town Justice Alyse McCathern	\$27,344	Term: 12/31/2022

Boards

RESOLVED, that the annual salaries of the **Planning Board** Chairman and six Members are as indicated below, and that **John Banyo** is appointed as Chair of the Planning Board, and that such board be comprised of the following individuals through the term expiration dates indicated (as per Chapter 16 of the Town Code, Article V, Section 16-22) or until a successor is appointed:

John Banyo	\$6,344.40	Term: 12/31/2023
Deirdre Murphy	\$2,880.48	Term: 12/31/2021
Darren Maynard	\$2,880.48	Term: 12/31/2022
Michael Reardon	\$2,880.48	Term: 12/31/2023
Chris Kasker	\$2,880.48	Term: 12/31/2024
Donald Gould	\$2,880.48	Term: 12/31/2024
William Friedlich	\$2,880.48	Term: holdover

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RESOLVED, that the salaries of the **Zoning Board of Appeals** Chairman and four Members are as indicated below, and that **Francis Peverly** is “holdover” as Chair of the Zoning Board of Appeals, and that such board be comprised of the following individuals through the term expiration dates indicated or until a successor is appointed:

Francis Peverly	\$1,744.20	Term: holdover from 12/31/2020
Andrew Rogers	\$1,260.72	Term: 12/31/2021
George Langberg, III	\$1,260.72	Term: 12/31/2023
Marc Citron	\$1,260.72	Term: 12/31/2024
Russell Shaver	\$1,260.72	Term: 12/31/2024

RESOLVED, that the salaries of the **Board of Assessment Review** Chairman and four Members are as indicated below, and that **Edward Brennan** is “holdover” as Chair of the Board of Assessment Review, and that such board be comprised of the following individuals through the term expiration dates indicated (as per Real Property Tax Law, Section 523(c)) or until a successor is appointed:

Edward Brennan	\$1,662.60	Term: holdover from 12/31/2020
Gary Phelps	\$577.32	Term: holdover from 9/30/2021
Marie Warniaha	\$577.32	Term: holdover from 9/30/2021
Edward Mattes	\$577.32	Term: 9/31/2022
James Pandise	\$577.32	Term: 12/31/2024

RESOLVED, that the **Parks & Recreation Advisory Board**, whose members serve without compensation, be comprised of individuals to be appointed by the Town Board later in 2021.

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Professional Services

RESOLVED, that **Jacobowitz and Gubits, LLP** is appointed as **Attorneys for the Town** and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **H2M (Holzmacher, McLendon & Murrell)** and **Fusco Engineering & Land Surveying ,P.C.** are appointed as **Engineers** for the Town of Tuxedo and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **Michael Richardson** is appointed as **Municipal Consultant for Workforce Planning and Labor Relations** and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **Andrew Arias** with Cooper Arias, LLP is appointed as **Town Auditor** to review financial reports on a monthly basis, prepare the Annual Update Document (AUD), and assist in accounting and financial matters which arise during fiscal year 2021, and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **Richard Golden** of Burke, Miele, Golden and Noughten is appointed as **Legal Counsel** to the **Planning Board** and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **Richard Golden** of Burke, Miele, Golden and Noughten is appointed as **Legal Counsel** to the **Zoning Board of Appeals** and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that **Nelson, Pope, Voorhis** is appointed as **Town Planner** and that payment for services be pursuant to the professional services agreement for 2021 which is to be on file with the Town Clerk.

RESOLVED, that the **Town of Tuxedo Historical Society** is appointed as **Town Historian** and that payment for services be pursued to the contract for services for 2021 which is to be on file with the Town Clerk.

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Town Meetings and Notices

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that the Regular Bi-Monthly **Town Board Meetings** be held on the second and fourth Mondays of each month at 7:00 p.m. at the Town Hall and, when circumstances deem it desirable, be held at other locations in other parts of the Town. Should a meeting date fall on an observed holiday, the meeting will be held on the Wednesday of that week.

RESOLVED, that the *Times Herald Record* be named the **official newspaper** of the Town of Tuxedo for the calendar year 2021.

Human Resources

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that the Town Board hereby enacts the attached **Compensation and Benefits Manual**, which updates the manual issued November 1, 2017.

RESOLVED, that the Town Board hereby enacts the attached **Employment Practices Compliance Manual**, which updates the manual issued November 1, 2017.

RESOLVED, that the **standard workweek** for **Town Hall** is five days per week, Monday through Friday, during which a 35-hour employee is to work five seven-hour days (excluding meal periods), a 30-hour employee is to work five six-hour days (excluding meal periods), and an employee scheduled to work less than 30 hours per week is to disperse their work hours throughout the five-day workweek as assigned by the Department Head.

RESOLVED, that the **standard workday** is as specified in the schedule of standard workdays, as updated and filed with the Town Clerk, for elected and appointed officials, and such days worked will be reported to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by those officials to the Town Clerk and/or official time cards completed and submitted to the Office of the Town Supervisor.

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RESOLVED, that the **holidays** listed below be observed on the day designated by the Town Board at its organizational meeting in January of each year.

New Year's Day (January 1)	Columbus Day (October 11)
Martin Luther King Day (January 18)	Veterans' Day (November 11)
Presidents' Day (February 15)	Thanksgiving Day (November 25)
Memorial Day (May 31)	Day after Thanksgiving (November 26)
Independence Day (July 5)	Christmas Day (December 24)
Labor Day (September 6)	Day after Christmas (December 27)

RESOLVED, that employees be paid on a bi-weekly basis. The **payroll period** begins Monday at 12:00:01 a.m. and ends fourteen calendar days later on Sunday at 11:59:59 p.m. An employee's paycheck is based on the amount earned during the preceding payroll period. Certain employees may be paid on a different schedule as established by the Town Board. Under normal circumstances, paychecks are issued on the Friday following the end of the payroll period. In the event the payday is a designated holiday, paychecks are distributed on the previous workday.

RESOLVED, that the **mileage reimbursement** for personal car usage for Town business is 58 cents per mile for 2021, to be adjusted as promulgated by the Internal Revenue Service.

Finance

Supervisor Kenneth English offered the following reorganization meeting resolutions and moved their adoption.

RESOLVED, that JP Morgan Chase is appointed as the official depository (checking and savings accounts) for the Town of Tuxedo for the calendar year 2021, with the following accounts:

251006052	Operating
251400131	Trust & Agency
2330588019	Trust & Agency
2330588027	Trust & Agency
2330588035	Savings

RESOLVED, that Sterling National Bank is appointed as an additional official depository for the Town of Tuxedo for the calendar year 2021.

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RESOLVED, that the Town Supervisor and the Account Clerk in the Office of the Town Supervisor are authorized to make **withdrawals** from the bank accounts at JP Morgan Chase and Sterling National Bank, and that the Town Clerk is authorized to make transfers for **BAN payments**, and that the Town Supervisor and the Account Clerk in the Office of the Town Supervisor are authorized to **transfer funds** among the Town's accounts.

RESOLVED, that the Town Supervisor and the Account Clerk in the Office of the Town Supervisor are authorized to **make payment** for payroll, medical insurance, dental insurance, vision plans, retirement plans, Workers' Compensation, gas, electric, telephone, cellular telephone, cable service for internet access, water, postage, express mail, garbage contract and debt service **without prior audit** by the Town Board.

RESOLVED, that all **Official Undertakings** and bonds by the officers, clerks or employees of the Town of Tuxedo may be in the form of a blanket undertaking from **National Union Fire Insurance Company**, a duly-authorized corporate surety, and said blanket undertaking shall indemnify the Town of Tuxedo against the loss of the type more particularly set forth in Article 2, Section 11 of the Public Officers Law and shall constitute a guarantee for elected and appointed officials, officers and employees of the Town of Tuxedo for the faithful performance of their duties and the prompt and proper account for paying over all money received by said employees in their official capacities.

RESOLVED, that the **Town Investment Policy**, originally adopted on May 11, 1994, a copy of which is annexed hereto, is reaffirmed as the Town's official investment policy for the fiscal year 2021. *Note: the Town Board is to review and update this policy later in 2021.*

RESOLVED, that the Town Procurement Policy, as updated by amendment adopted on March 1, 2011, a copy of which is annexed hereto, is reaffirmed as the Town's official procurement policy for the fiscal year 2021. *Note: the Town Board is to review and update this policy later in 2021.*

RESOLVED, that the Town Credit Card Use Policy, originally adopted on September 26, 2011, a copy of which is annexed hereto, is reaffirmed as the Town's official credit card use policy for the fiscal year 2021. *Note: the Town Board is to review and update this policy later in 2021.*

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Town Fees

RESOLVED, that the annual **parking permit** fee for the resident only municipal parking lot at the train station is \$178.00 and that the annual permit fee for non-resident parking at such lot is \$228.00, plus applicable taxes.

RESOLVED, that the **field rental** fee for a non-affiliated town group is \$50.00 per use.

RESOLVED, that the rental fee for use of the **train station** is \$75.00 per one-hour meeting slot or \$250.00 for a private party;

On a motion made by Supervisor English, the adoption of the foregoing resolutions was seconded by Deputy Supervisor Lindsay and duly put to a vote on roll call which resulted as follows:

Supervisor Kenneth English	Aye
Deputy Supervisor Michele Lindsay	Aye
Councilmember David McMillen	Aye
Councilmember Maria May	Aye
Councilmember Jay Reichgott	Aye

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PUBLIC COMMENTS

- Resident Dale Mottola, pointed out that the Tuxedo Train Station is in need of maintenance and improvements. Supervisor English and Deputy Supervisor Lindsay are looking into funding to help with the cost of needed repairs.
- Resident Evelyn David thanked Councilmember Reichgott on his update on the Arden dam. She also commented on the closing of Chase Bank and asked the Board to reach out to other banks to see if they are interested in the space. The Town Board agreed to look into who owns the building and ask what their intentions are for the building.

ADJOURNMENT

RESOLVED, motion made by Councilmember May, seconded by Councilmember McMillen to adjourn the meeting at 9:04 p.m.

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

Respectfully submitted,

Marisa Dollbaum
Town Clerk
Town of Tuxedo