

**Regular Town Board Meeting  
Town of Tuxedo Town Board  
February 10, 2020  
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The Regular Bi-Monthly Meeting of the Town Board of the Town of Tuxedo held on Monday, February 10, 2020 at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Kenneth English at 7:05 p.m.

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

Town Board Members Present:	Mr. Kenneth English	Councilmember
	Mrs. Michele K. Lindsay	Councilmember
	Ms. Maria May	Councilmember
	Mr. David McMillen	Councilmember
	Mr. Jay Reichgott	Councilmember

Town Board Members Absent: None

Recording Secretary:	Donna Matthews	Town Clerk
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Other Town Officials Present: Ms. Marisa Weiss, Esq.; Police Chief Arthur Abbott; Frank Peverly, ZBA Chair; Michael Reardon, Planning Board Chair.; John Ruel, Planning Board Member; Raymond Ferri, Planning Board Member, David Maikish, Code Enforcer, Brian Sullivan, Bookkeeper

**PUBLIC HEARING CONTINUATION-CHANGES TO THE TOWN'S VEHICLE AND TRAFFIC LAW**

Public Hearing

Supervisor English opened the Public Hearing on the changes to the Town's vehicle and Traffic Law to hear comments from the public at 7:09 pm.

Supervisor English stated that they took extensive notes at the prior hearing and that everyone's comments will be taken into consideration. No decisions have been made at this time. The Board has received a lot of positive comments. The Supervisor is meeting to o the residents that live on Library Road to hear their comments and concerns.

A resident asked what the current speed limit was on Library Road. 30mph was the answer. Councilmember Lindsay said that with the new law they are able to make it 25mph. Another resident asked if there is enough parking for commuters the answer was there is a large commuter parking lot by the Train Station.

The Supervisor then announced that the Public Hearing will be left open for further comments until the next meeting.

**MINUTES:**

Minutes

RESOLVED, motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, to accept the minutes of the regular Town Board Meeting held on January 13, 2019.

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

Monthly Reports

**MONTHLY REPORTS:**

Supervisor English acknowledges he is in receipt of the January monthly reports from the following Departments;

- Animal Control
- Building
- Code Enforcer
- Police Department
- Justice Department
- Town Clerk.

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Police Chief Abbott said the department had received 2 letters from the Town of Ramapo regarding 3 of our Police Officers. Officer Gerard Shiloh and Officer William Hall were at the scene of the train/truck accident by Daters Crossing in Sloatsburg. They both assisted in keeping passengers calm and transporting them to Tuxedo and Harriman Train Stations.

A call had come in of a suicidal person in Sloatsburg; Detective Stefan Christian was in the area and responded. He assisted the Ramapo Police in handling the situation.  
Thank you to our Police Officers for their hard work.

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

**Supervisor Update**

Supervisor English has met with the sewer plant operator. There are deadlines that have to be met from the DEC. A schedule needs to be presented to fix the current plant. An additional schedule must be presented stating when the town will put the new sewer plant online by March 31<sup>st</sup>.

There will be a meeting to meet with the residents and businesses that use the plant to go over detail n discuss issues in the near future.

Mr. Pollock with the DEC will meet with the Supervisor to review the consent order that is currently in place for the highway site.

Supervisor English wants to figure out how to resolve the remaining problems as he feels the property has been a liability to the Town.

Councilmember May is researching possible monies that may be available to help to pay for the remaining remediation.

Deputy Supervisor Lindsay stated there is a meeting of the Economic Development Committees and the Town Board on February 12<sup>th</sup> at 6:30pm. The committee will update the Board on the things that they been working on and discuss how they can work together to move their ideas into action.

**PUBLIC COMMENTS ON AGENDA ITEMS:**

**Public Comments**

John McNamara, (resident) wondered why the conversations regarding the new sewer plant were described as being complicated when Highway Superintendent Dollbaum said it is only a question of connecting the pipe.

Supervisor English stated that figuring out the user fees is the complicated part; Related is not obligated to pay the user fees until they have a certificate of occupancy on their project. Councilmember Reichgott said that even if the existing plant was fixed up it old not meet the current standards for a sewage treatment plant.

John McNamara questioned why the mulch pile remediation had not cost the Town any money to clean it up before why will it cost money now? Supervisor English answered that all the problems were still there.

Mary Graetzer (resident) said that the mulch pile and attendant debris has gone down a lot.

Supervisor English noted the site monitor had retired but we had a loose agreement with him. We need to hire a new monitor and write a new agreement.

Councilmember McMillen said that the Town hired someone to do an aerial survey of the land to find out exactly how much more has to be done. The Town was also required to dig test holes on the site and they did find some contamination at the bottom of the holes. He feels they need to discuss a new method of remediation.

John Ruel, Planning Board Member said he was told that to run a new sewer plant at less than capacity would be cost prohibitive. He was told this as the problem however they found a way to run it at less than full cost but will still be expensive. Mr. Ruel also made a point that the Warwick Brook was always loaded with Trout fish and now there are none. He asked if anyone knew if there had been any testing on this. No one knew the answer.

**AGENDA ITEMS:**

**1. Adoption of the Town Board Consolidation Plan and Set Date for Public Hearing:**

**Consolidation Plan**

**RESOLUTION CALLING FOR PUBLIC HEARING on TOWN BOARD'S PROPOSED FINAL  
CONSOLIDATION PLAN**

**WHEREAS**, a majority of the electorate of the Town of Tuxedo (the "Town") has approved the elector-initiated incorporation and consolidation petition pursuant to a dual referendum held on July 16, 2019, the results of which were duly certified by the Town Clerk and submitted to the Secretary of State pursuant to Article 17-A of the New York State General Municipal Law ("GML") and the incorporation provisions of the Village Law; and

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**WHEREAS**, pursuant to GML § 760, the Town Board met within thirty days (August 12, 2019) after certification of the favorable vote to discuss the next steps in the consolidation process; and

**WHEREAS**, the Secretary of State issued a certificate of incorporation for the Village of Tuxedo on December 23, 2019; and

**WHEREAS**, within 180 days after the initial August 12 meeting, the Town Board must prepare a finalized Consolidation Plan based off of the elector-initiated Consolidation Plan and approve it by resolution for public review and comment; and

**WHEREAS**, since that date, the Town Board has met, discussed, and reviewed the elector-initiated Consolidation Plan to determine if any additions, changes, or other edits should be incorporated;

**NOW, THEREFORE BE IT RESOLVED** that, pursuant to Article 17-A of the GML, the Town Board hereby adopts its version of the Final Consolidation Plan based upon those discussions, a copy of which is available for public inspection in the office of the Town Clerk; and

**BE IT FURTHER RESOLVED** that the Town of Tuxedo must call for a mandatory public hearing on the proposed Final Consolidation Plan, which may not be held less than 35 or more than 90 days after the date of this resolution;

**BE IT FURTHER RESOLVED**, that the Board hold a public hearing on the Final Consolidation Plan at the Town of Tuxedo Town Hall, 1 Temple Drive, Tuxedo, New York 10987, in the Town of Tuxedo, Tuxedo, New York at 7:00 PM P.M. on March 23, 2020; and

**BE IT FURTHER RESOLVED**, that the Clerk display or cause to be displayed a copy of the proposed Consolidation Plan, along with a descriptive summary thereof, on the Town website and in the office of the Town Clerk; and

**BE IT FURTHER RESOLVED**, that the Clerk publish or cause to be published a descriptive summary of the proposed elector initiated consolidation plan and a reference to the public place(s) where a copy thereof may be examined, at least once per week for four successive weeks, in the official newspaper of the Town of Tuxedo; 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.

*Vote: Resolution carried by a vote of 5 to 0.*

Dated: February 10, 2020

**ON ROLL-CALL VOTE:**

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

**2. Budget Modifications:**

RESOLVED, motion made by Councilmember Reichgott, seconded by Councilmember Lindsay, that the Town Board having been advised that certain accounts of the Town are or will be projecting deficits, the following Budget Modifications are hereby authorized:

**Budget  
Modification**

Account	Description		
<b>Expenditures</b>		<b>Increase</b>	<b>Decrease</b>
SS8130.4	Sewage Treatment & Disposal Contractual	2,000.00	
SS8130.2	Sewage Treatment & Disposal-Equipment		2,000.00
<b>TOTAL SEWER FUND</b>		<b>2,000.00</b>	<b>2,000.00</b>

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Revenues		Decrease	Increase
A2653	Sale of Fuel		15,000.00
A3005	Mortgage Tax		15,000.00
Expenditures		Increase	Decrease
A1220.1	Supervisor Payroll	2,000.00	
A1220.4	Supervisor Contractual	3,000.00	
A1410.1	Town Clerk Payroll	1,000.00	
A1690.4	Central Fuel Services	15,000.00	
A1910.4	Unallocated Insurance	9,000.00	
A5132.4	Garage-Contractual	12,000.00	
A9010.8	State Retirement	30,000.00	
A1440.4	Engineer-Contractual		10,000.00
A1620.4	Buildings-Contractual		32,000.00
<b>TOTAL GENERAL A FUND</b>		<b>72,000.00</b>	<b>72,000.00</b>
B FUND EXPENDITURES		Increase	Decrease
B1990.4	Unallocated Insurance		2,000.00
B3620.4	Safety Inspection-Contractual	2,000.00	
<b>TOTAL GENERAL B FUND</b>		<b>2,000.00</b>	<b>2,000.00</b>
Expenditures		Increase	Decrease
DA5130.2	Machinery-Equipment	2,000.00	
DA5130.4	Machinery-Contractual	20,000.00	
DA9070.8	Union Welfare Benefits	6,000.00	
DA9060.8	Health Insurance		28,000.00
<b>TOTAL HIGHWAY DA FUND</b>		<b>28,000.00</b>	<b>28,000.00</b>
Expenditures		Increase	Decrease
DB9040.8	Workers Compensation	2,500.00	
DB5112.2	Improvements-Capital		2,500.00
<b>TOTALS HIGHWAY DB FUND</b>		<b>2,500.00</b>	<b>2,500.00</b>

**2A. Budget Modification -- Highway Roof Repair**

**Budget Mod. Roof**

Motion made by Supervisor English, seconded by Councilmember Lindsay, that the Town Board of the Town of Tuxedo is assigning \$59,000.00 of the 2019 fund balance for the Highway Roof Repair.

Then the budget modification should be for 2020, increasing the 2020 expense line and using fund balance A599.

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**ON ROLL-CALL VOTE:**

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

**3. Petition to the Town Board for Relief from the Building Moratorium Local Law:**

**Relief Moratorium**

RESOLVED, motion made by Supervisor English, seconded by Councilmember McMillen, that the Town Board hereby grants a waiver to Tuxedo Hudson company from the Building Moratorium for their amended site plan, to add accessory parking from 209 Route 17, Tuxedo.

**ON ROLL-CALL VOTE:**

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

**4. Resolution to Approve Town Prosecutor's Rate of Pay:**

**Prosecutor Pay**

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay, that the Town Board set the rate of pay for the Town Prosecutor at \$200.00 per session.

**ON ROLL-CALL VOTE:**

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

**PUBLIC COMMENTS:**

Residents asked more questions regarding the existing and new sewer plants. The cost is also a concern to residents.

Resident Dale Mottola gave the Board a newspaper article regarding Police Training on how to help people with substance abuse instead of just automatically arresting them. The article was in the January 5<sup>th</sup> issue of the Times Herald record, called Hope not Handcuffs. The Police Chief took down the information.

**Public Comments**

**VOUCHERS:**

RESOLVED, motion made by Supervisor English, seconded by Councilmember McMillen, that the following vouchers, having been audited by the town Board, are hereby approved for payment:

Claim numbers 2012906403 through 201916474

**Vouchers**

General Fund :	\$ 99,162.14
Part-Town Fund:	14,655.96
Highway Town Wide :	80,224.82
Highway Part Town:	1,497.68
Hamlet Sewer District :	994.33
Tuxedo Farms Sewer District	0.00
Trust and Agency	1,423,489.00
Total Abstract Amount:	\$ 1,620,023.93

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ON ROLL-CALL VOTE:

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

WORKSHOP SESSION: The Town Board to discuss current projects.

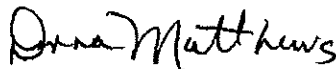
ADJOURNMENT:

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay, to adjourn the meeting.

ON ROLL-CALL VOTE:

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

Respectively Submitted,



Donna Matthews  
Town Clerk  
Town of Tuxedo