

**Regular Town Board Meeting/Public Hearing**  
**Town of Tuxedo Town Board**  
**This meeting was held virtually through WebEx**  
**August 24, 2020**  
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The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, August 24, 2020 via WebEx, and called to order by Supervisor English at 7:02 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:	Ms. Maria May	Councilmember
	Mr. David McMillen	Councilmember
	Mr. Jay Reichgott	Councilmember
	Mrs. Michele Lindsay	Deputy Supervisor
	Mr. Ken English	Supervisor

Town Board Members Absent: None

**Recording Secretary:** Donna Matthews Town Clerk

**Other Town Officials Present:**

Mr. Howard Protter, Esq.; Mr. Robert Dollbaum, Superintendent of Highways; Mr. Brian Sullivan, Bookkeeper

**CONTINUATION PUBLIC HEARING: Changes to Park Rules and Regulations Amendments**  
**Local Law**

**Public Hearing**

Supervisor English opened the Public Hearing to hear comments regarding Park Rules and Regulations Amendments at 7:06 PM

**Dorothy Ziegelbauer:** Had a question in regards to annual permits. Would the Board consider automatically issuing permits to residents and mailing them out to each tax paying resident and/or make the permits valid for a 2 or 3 year term?

The Town Hall is only open limited hours, and many people (like her) who use the town parks also work, and are not available during those hours to go to Town Hall.

She understands and appreciates the desire to restrict access to non-township residents who are trashing the parks, but at the same time she thinks it would be unfair to Town Residents to put a system in place that essentially bars use of the parks to residents who pay taxes for their upkeep, but are unable to go to Town Hall to request a permit and/or force Town residents to go through a time consuming permit process annually.

**Lt. John Norton:** He stated he thought the Town would have it stated within the law "Residents Only"

**Allison Taylor:** She is concerned about including a language/speech prohibition as what constitutes profane or aggressive language seems subjective. If it's not and there are specifics about what constitutes each, that should be included.

**Kristy Apostoldes:** She had a question regarding permits. She states it says that a permit is required for gatherings of more than 25 people. The way it is written that would mean that every little league game, for example, needs a permit. Does that happen normally? Do they have to get permits for each game? She went on to write that she knows this is nit-picky, but it seems nuts and maybe there should be something written into the law that allows organized sport teams with ongoing schedules to obtain a permit for use for the entire season. Also, since she is sure the facilities get more use during baseball season than any other time of year, do we charge little league for example fees for the regular cleaning and maintenance of the bathrooms for example? She feels like we should, so that we could hire someone to clean them if it doesn't currently fall under any current job descriptions. This should include Ms. Apostoldes thinks, a permit fee for the operating of the Farmers Market even though it wouldn't fall under this law, so those bathrooms could remain open and regularly cleaned on the weekends the Farmers' Market operates at the very least. She wrote I'll admit my ignorance about how this is done, but I feel like having those facilities just locked all the time is not a great solution either.

**Irene DeNero:** Asked if the Town rents our park/fields to outside baseball organizations? How much does the Town charge? Is it by season or by the game day use? Who is responsible for the cleanup? There have

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been times where Quarry Field has been filthy with garbage and plastic bottles all over. Is it possible for the Town to place a container or garbage cans to collect only plastics so that we can recycle the plastics from the rest of the garbage?

**Gary Phelps:** "Mr. Phelps wrote, twice this year I have requested signs regarding people not cleaning up their dog waste. Town Codes (43-13 & 43-14). He would like to know why there are no sign yet? It has been going on 3 months since gross defacing of skate park equipment. Nothing has been done yet. Why?

Sign with park rules state no motorized vehicles permitted. Gate has large cut-out to allow quads. Really? FYI – someone on a quad several weeks ago drove thru the skating area leaving a mud trail on the skating area. Is this a liability issue for the Town if a child on a skate falls and s injured because the Town allowed this and did not clean up surface?

He noted that Councilman McMillen has picture of this.

Two notes- since gate installed removing hiker parking, there has been almost no litter. It does keep out fishermen – I do not know if there is a solution. The park rules sign is on a fence inside the park. A better location might be on the gate.

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay that, all persons desiring to be heard, having been heard, the Public Hearing regarding Park Rules and Regulations Amendments Local Law be closed at 7:10 pm.

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

**MINUTES:**

RESOLVED, motion made by Supervisor English, seconded by Councilmember May to accept the minutes of the Regular Town Board Meeting held on August 10, 2020.

**Minutes**

<b>ON ROLL-CALL VOTE;</b>	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 monthly reports for the month of July from the Police Department.

**SUPERVISOR UPDATE:**

**Supervisor Update**

Supervisor English stated there are a few big projects happening. The Town Board, Town Counsel and the Town Engineer attended the Tuxedo LDC meeting. Via Webex on August 11, 2020. Three Town Board Members sit on the Board, Jay Reichgott, Michele Lindsay and Ken English. This was an open meeting determining the process to bring the new waste water treatment plant online. There was a meeting on the 20<sup>th</sup> with H2M, Harris Beach, Howard Protter, Town Attorney, Ken English, Town Supervisor, Rob Dollbaum, Highway Superintendent. On September 10<sup>th</sup> the Annual meeting of the LDC will take place. They will iron out how to bring the new sewer plant online.

Next Supervisor English spoke of the long standing project, the consent order of the Long Meadow Road property. The Highway staff continues to screen materials testing contaminants, separating and sorting materials. Highway Superintendent Dollbaum noted they rented an excavator, a screen loader. They have 2 highway employees working full time going through 2- 3000 yards a day separating viable materials. The new monitor is pleased with the progress the guys are making. Supervisor noted that Watchtower is considering helping the Town in the cleanup. Supervisor English is very encouraged with the progress we are making.

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Concerning Powerhouse Park, Supervisor English has been making visits to the park since July. He is working with the Police Department to enforce code. He stated it has been much better. He said he wants to continue to welcome people to come to Tuxedo for those who come here for the right reasons. He stated at least 85% of the trash left at Powerhouse Park has been removed. Lastly Supervisor English said they are preparing for the upcoming Police negotiations. The goal is to have the contract in place by December 2020.

Next Supervisor English asked the Board for any updates:

Deputy Supervisor Lindsay said that she has been in touch with the Orange County Board of Tourism regarding new graphics for the Billboard on the Quarry Field property on Route 17. OC Board of Tourism took over filming promotions of Orange County. Councilmember May and Deputy Supervisor Lindsay attended a presentation and Deputy Supervisor Lindsay invited them for a tour of potential filming sites in Tuxedo.

Councilmember May has filled out a questionnaire to see if she can get additional funds for the Website.

Councilmember McMillen currently has no new updates

Councilmember Reichgott stated the ADA improvement project is in the paperwork phase.

**PUBLIC COMMENTS ON AGENDA ITEMS:**

There were none.

**AGENDA ITEMS:**

**1. Resolution to Settle Tax Certiorari Claim Hume R. Steyer**

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 24th day of August, 2020;

WHEREAS, HUME R. STEYER, 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 2019-20 tax assessment year bearing Orange County Index # EF005315-2019;

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of Jacobowitz and Gubits, 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, HUME R. STEYER, is willing to settle these proceedings without interest, costs or disbursement, in the following manner;

(1) That the proceeding for the 2019-20 tax year be compromised and settled by the assessment being reduced from \$364,500 to a total assessment of \$289,625 for tax map no. 107-1-19;

(2) That petitioner(s) real property taxes for the 2019-20 School taxes and the 2020 County and Town taxes be adjusted accordingly and that petitioner(s) be reimbursed for any overpayment without interest, if paid within sixty (60) days of notice of entry, 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 Supervisor English, seconded by Councilperson McMillen, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

Public Comments

Tax Certiorari

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

**2. Resolution Approving Special Sign Permit to Maskers Orchards:**

**Sign Permit**

Motion made by Supervisor English, seconded by Councilmember McMillen, that the Town Board hereby issues a special sign permit to Maskers Orchards, 45 Ball Road, Warwick, New York, for a maximum of seven (7) directional signs measuring 14" X 22", to be placed at the below listed locations for a period commencing August 24, 2020 and ending no later than November 27, 2020, at which time all signs must be removed:

On Route 17, just up from Tuxedo's southern boarder  
On Route 1, near the turn to Rte. 17A  
At the base of the ramp on Route 17A  
At the top of the ramp on route 17A  
On Route 17A across from top of ramp (by parking lot)  
On Route 17A just before the Renaissance Faire  
On Route 17A by Benjamin Meadow Rd.

Maskers Orchard will remit a total of \$175.00 for the permit to the Town Clerk.

The Board stipulated that Maskers Orchard do not move signs around, leaving them to where they are approved for as stated above.

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

**3. Acknowledgment of Resignation – Animal Control Officer**

**Resignation Animal Control**

The Board acknowledged they received the resignation of Mr. Tom Murphy, the Animal Control Officer. Mr. Murphy has been an employee of The Town of Tuxedo as Animal Control Officer since November 8, 2004. The Board thanked Mr. Murphy for his service and acknowledged his resignation will be effective on August 27, 2020.

**4. Resolution to Award Cleaning Contract:**

**Cleaning Contract**

RESOLVED, motion made by Supervisor English, seconded by Councilmember Reichgott, To award the cleaning bid contract to Cleaning Services of the Hudson Valley, Inc., not to exceed \$24,300.00 for the year 2020-2021 and \$25,500.00 for the year 2021-2022, with extension options as follows: (1) \$27,000.00 for the year 2022-2023; (2) \$28,500.00 for the year 2023-2024; and (3) \$30,000.00 for the year 2024-2025.

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

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**5. Resolution to approve Re-Appraisal of State Lands Contract to Beckman:**

To authorize the engagement of Beckman Appraisals pursuant to their proposal dated 8-24-2020, to appraise New York State owned lands within the Town of Tuxedo to bring the assessment values current at a cost not to exceed \$40,000.00.

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

**State Land Re-Appraisal**

**6. Resolution to approve Board of Fire Commissioners Appointment:**

RESOLVED, motion made by Supervisor English, seconded by Councilmember McMillen, the Town Board hereby approves the appointment of Jason Poggilio to the Board of Fire Commissioners for the Tuxedo Fire District to fill a vacant seat, the term referenced has an expiration date of December 31, 2023.

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

**Bd of fire  
Commissioner  
Appointment**

**WORKSHOP – SPECIAL USE PERMITS FOR ZONING CODE.**

This was tabled

**DEPARTMENT UPDATES:**

Highway Superintendent Dollbaum asked what the requirements for the Dog Control Officer was as one of his men may be interested. He went on to say his department is cleaning up still from the storm. They are also striping and paving. Lastly he noted they are starting to get the trucks ready for the winter season.

Town Clerk Matthews said that Deputy Town Clerk Dollbaum is getting the records rooms in order. She stated the Town Hall is open fully and running smoothly.

People are complying with the rules wearing masks, signing in, taking their temperatures etc.

Planning Board Chair Banyo said the Echo Dam Lake and Bridge applicants appeared at the last Planning Board meeting. It was primarily for information for them as to what the applicants would need to modify. The applicant was asked to submit their modifications by September 1, 2020. The Planning Board will post on the website so the public can view. The applicants are, for the Dam the Arden Homestead Association and for the Bridge, the Orange County Historical Society.

The next thing Mr. Banyo spoke of was the Jehovah Witness project on Sterling Mine Rd. The vast majority of the property is in Ramapo. There is a sliver of 7 acres out to the 249 acres total located in Tuxedo. The planning Boards role in this is to issue special wet lands permit as well as a driveway permit.

**Department  
updates**

**PUBLIC COMMENTS:**

A caller asked who audits the personal use of take home vehicles. How does the Town Prevent abuses. Jerry Mottola had 3 comments, 1-concerning the illegal dirt pile by the new sewer plant. Wondered when it would be moved 2- He had seen in the Times Herald Record that the Town of Monroe tranquilized a bear up in a tree and moved it. Why can't Tuxedo do this?. Councilmember McMillen answered the Police removed the bear. He then commented to Mr. Mottola that he should call the police if he feels his

**Public Comments**

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safety is in jeopardy. The 3<sup>rd</sup> was concerning the November Vote. He asked that procedures to get an absentee ballot be noted.

**VOUCHERS**

**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: 2012917203 through 2012917290

General Fund :	\$88,554.09
Part-Town Fund:	63,051.73
Highway Town Wide :	47,467.34
Highway Part Town:	14,194.91
Refuse and Garbage Disposal:	22,511.64
Hamlet Sewer District:	16,271.19
Trust and Agency:	69,829.62
Total Abstract Amount:	\$321,880.52

**ADJOURNMENT:**

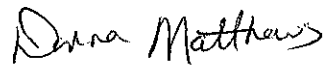
**Adjournment**

**RESOLVED**, motion made by Supervisor English, seconded by Councilmember May to adjourn from to the regular Town Board meeting at 9:24 pm

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

The meeting was adjourned

Respectively Submitted,



Donna Matthews  
Town Clerk