

**Regular Town Board Meeting
Town of Tuxedo Town Board
This meeting was held virtually through WebEx
October 26, 2020
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The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, October 26th, 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.; Mrs. Marisa Dollbaum, Deputy Town Clerk; Mr. Brian Sullivan, Bookkeeper; Ms. Deirdre Murphy, Planning Board Member; Lt. John Norton, Tuxedo Police, Mr. Robert Dollbaum, Highway Superintendent

MONTHLY REPORTS:

Supervisor English acknowledges he is in receipt of monthly reports for the month of September:

Code Enforcer
Justice Department
Town Clerk
Police Department

MINUTES:

RESOLVED, motion made by Supervisor English, seconded by Councilmember Lindsay to accept the minutes of the Regular Town Board Meeting held on October 7th and the 13th, 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

DEPARTMENT UPDATES:

Recreation director Shari Brooks spoke about Halloween this year. She noted that the Governor did not put any mandates against going trick or treating. The recreation department will be hosting a trunk or treat at the Powerhouse Park in the afternoon. This will not replace evening door to door Trick or Treating. Company #1 Fire Department will not be hosting their Halloween celebration due to COVID-19. She urged everyone to take proper precautions and safety measures.

Next, Supervisor English called on Lt. Norton to give any updates from the Police Department. Lt. Norton spoke about Halloween saying the Police department will attend the Trunk or Treat as well as keeping their eye out on Halloween evening. He also announced that November typically is "No shave November" where the guys grow their beards and the money they would spend on grooming products are donated to St Jude's Children's Hospital. This year they thought they would step it up a little bit and have a fundraiser. This will take place at the Powerhouse Park. The guys will be cooking burgers and Councilmember McMillen and a few of his friends will

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Minutes

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be playing music up on stage. They will have some fire pits going. There will be no admission charge however if you are able to donate something, you can do so in the name of your favorite officer and the money will be turned over to St Jude's. Recreation director Brooks and Resident Claudia Bakhtiary along with some other residents are helping out.

Superintendent English acknowledged he is in receipt with the Building Departments detailed report and that he would like to discuss this at the next meeting.

Town Clerk Matthews stated that the Construction on the ADA project was going along very well. It is starting to really look great. She noted the contractors working on it are very neat and tidy and everything is going along smoothly. She said as far as the election, a lot of people are wondering if the polls at Town Hall will be open as usual for residents to cast their ballot. Deputy Clerk Dollbaum as well as the Supervisors Secretary will be sending out notices to remind everyone they are open. There is also information on the Town webpage. Lastly she thanked resident Claudia Bakhtiary for her generous donation of office supplies to the Town Hall

TOWN SUPERVISOR/ TOWN BOARD UPDATE:

Supervisor English commented that the agenda is small this evening however there is a public hearing on the 2021 preliminary budget.

Supervisor English stated the main goal was to stay under the tax cap and keep to see an affordable place to live. This budget presents a negative 0.68 tax levy change from tax year 2020.

We're looking to reduce expenses by making long-term investments in durable equipment such as new trucks for the Highway Department and new Police cars. These will be procured through low interest Municipalities to own programs this aging equipment has reached its dependable lifespan and needs to be replaced. Budget analysis shows that this will reduce expensive maintenance costs for labor and parts to ensure that our public service teams have the tools they need to do their jobs. We're attending to a long-term liability at the Town's Long Meadow Road Property otherwise known as the Highway Department site it's this 24-acre site continues to be under the New York State Department of Environmental Conservation monitoring. The DEC imposed a remediation plan called the consent order nine years ago that set expectations for cleaning up a large deposit of construction debris and other contaminants that were illegally dumped on the site. When completed, the remediation will remove the liability exposure resulting from the potential fines that could be up to three thousand dollars a day. The excavation and material screening and sampling analysis are being done by the Highway Department heavy equipment operators with rented equipment. The DEC on-site monitor is guiding the process to ensure that the work being done is meeting the expectations needed to remove this liability. I'm going to turn the microphone over to Deputy Supervisor Michelle Lindsay

Deputy Supervisor Lindsay commented, "We've also allocated fund reserves for contractual obligations with the police to cover unpaid vacation and sick days upon retirement. Current Tuxedo PBA obligation estimates a total \$165,000 for officers eligible for retirement. This will prepare the Town to meet contractual expenses expected in the near future. Due to the impending retirement of officer, the Town Board continues to seek grants and state funds for infrastructure improvements. We are currently working on ADA bathrooms and accessibility ramps at Town Hall that Donna mentioned with a 225,000 Federal Grant. The work is ongoing and will be completed soon. Additionally the Town Hall roof is going to be replaced with funding from a 100 000 Sam Grant (State Aid to Municipalities State Grant) that we secured by Senator Jen Metzger. The Town has invested in LED street light programs offered by Orange and Rockland Utilities that will reduce electricity costs by an expected \$30,000 annually and we have already seen that savings in 2020. The Tuxedo Park Library and the Tuxedo Joint Fire Districts have submitted budgets with no increase from 2020. We hope to reduce tax burden on residents and business owners by contracting with Beckman appraisals to give us updated appraisals of New York State Lands in Tuxedo. This firm was successful in appraising state lands including Harriman State Park in the town of Stony Point and that resulted in a fairer distribution of the tax levy among all taxpayers in that town and back to you so also on the revenue side the Town Board has been very conservative in anticipating state revenues due to possible covid-19 reductions in New York State sales tax, state aid and mortgage transfer tax revenues and our sales tax revenue projections from the county have been set at very conservative levels given the uncertainty of New York State's financial conditions. Our goal is to keep Tuxedo affordable for residents and businesses, and to continue improving our Moody's bond rating success in April. The Town presented to the Moody's analyst a very

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positive outlook and was recognized for its strict expenditures controls as a result we were given a rating upgrade to a 2% below investment grade rating with a positive outlook that indicates Moody's quote expectations that management will continue to maintain reserves and liquidity at a level commensurate with higher rating category. That is obviously continuing a very positive trend in this 2021 Budget we also have been conservative with our Justice Court revenue estimates. The courts were closed for months due to the Covid-19 crisis. The Justice Court is still in the process of trying to clear the backlog of court appearances, the vast majority being traffic violations. Our conservative estimates are expected to be surpassed by the actual fine collections that will only improve the town's financial position. Another big concern is it's very specific to the Hamlet Sewer District, but obviously affects the town in general as well the hamlet sewer district is the situation in flux the existing wastewater treatment plant is badly deteriorated and needs to be replaced by a new plant that was built by Tuxedo Farms LDC. Through a 30 million dollar bond the LDC Board has passed a resolution intended to bring the new plan online by July 1, 2021. As a result the budgeting for this essential service is somewhat ambiguous the LDC will continue its efforts to work cooperatively with related in all parties associated with the LDC. The increase of tax levy for this special district only will be earmarked for either required improvements of the existing plan or if the new plan is only if the new plan is not brought online or be used to transition to the new plant which is expected to have higher operating costs until Tuxedo Farms is actually built out and more customers will be contributing to the user's fees there is a balance of approximately four hundred thirty thousand dollars of fund balance that will be partially used to The Tuxedo Park Library and the Tuxedo Joint Fire Districts have submitted budgets with no increase from 2020. We hope to reduce tax burden on residents and business owners by contracting with Beckman appraisals to give us updated appraisals of New York State Lands in Tuxedo. This firm was successful in appraising state lands including Harriman State Park in the town of Stony Point and that resulted in a fairer distribution of the tax levy among all taxpayers in that town and back to you so also on the revenue side the Town Board has been very conservative in anticipating state revenues due to possible covid-19 reductions in New York State sales tax, state aid and mortgage transfer tax revenues and our sales tax revenue projections from the county have been set at very conservative levels given the uncertainty of New York State's financial conditions. Our goal is to keep Tuxedo affordable for residents and businesses, and to continue improving our Moody's bond rating success in April. The Town presented to the Moody's analyst a very positive outlook and was recognized for its strict expenditures controls as a result we were given a rating upgrade to a 2% below investment grade rating with a positive outlook that indicates Moody's quote expectations that management will continue to maintain reserves and liquidity at a level commensurate with higher rating category. That is obviously continuing a very positive trend in this 2021 budget we also have been conservative with our Justice Court revenue estimates. The courts were closed for months due to the Covid-19 crisis. The Justice Court is still in the process of trying to clear the backlog of court appearances, the vast majority being traffic violations. Our conservative estimates are expected to be surpassed by the actual fine collections that will only improve the town's financial position. 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The budget also allocates a modest increase in funding for the Town Prosecutor who works in the justice court to streamline the judicial process and ensure that Tuxedo continues to get its fair share of the fines received. I've also proposed an upgrade in the position of Deputy Supervisor because it's necessary to attend to the daily requirements of running this town. . The executive administration of this town requires a daytime

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presence in Town Hall necessary to conduct business with our contractors, our consultants our department heads town employees but most important town residents. The Deputy works directly with the Supervisor. The workload requires a level of engagement that goes far beyond the evening schedules of these town board meetings and occasional workshops. Deputy Supervisor, Michele Lindsay has successfully authored and managed several large grants at cost savings initiatives such as the ADA Grant which was \$225,000. Town Hall roof grant of a \$100,000 and the LED lighting and initiative that serves the town over twenty, saves the town over twenty five thousand dollars annually The executive team also needs to manage major projects oversight that is pending the LDC Wastewater Treatment Plant sewer activation essential to the well-building of the hamlet district and the Town Board oversight of the Long Meadow Road property completion of the cleanup removal of the DEC consent order contract negotiations and the oversight contracts with the Police are underway on negotiations. The Highway waste removal, IWS, the cleaning service and the Ambulance Paramedics contract needs to be relooked at. Tuxedo Farms, we continue to try to encourage progress while protecting our town's future, we have the Watchtower's development of a large-scale communications and residential center in Eagle Valley and as I mentioned earlier the management of town properties rental contracts at Long Meadow Road and oversight to ensure our environment is not compromised in addition a replacement full-time police officer is in the budget to replace retired Sergeant Decker that's what budgeted funding to an o to add all uh add part-time offices to fill all shifts will be provided currently the town is negotiating a new police contract and I hope to complete this process before the end of the year.

Some other accomplishments from 2020 that will carry forward to the future we negotiated a new refuse contract that expired in July and IWS had refused to extend the previous agreement at the rates that were in that agreement we saw proposals and a new five-year deal with IWS was signed that will ensure predictable expenses for this essential service. Tuxedo can exit this contract at any time without penalty if we find a better deal. A cleaning five-year contract that fixes costs was signed with Cleaning Services of the Hudson Valley this was the lowest qualified bidder again with an exit clause for the town if we choose to go elsewhere. In the age of Covid-19 it's important that we keep our work and public spaces as clean as possible. We put together this summary to try to highlight for you what we're working on and our vision for the future and 2021 and that our supervisor deputy/ supervisor presentation and move towards opening our public hearing.

PUBLIC HEARING – TOWN BUDGET:

Notice of Public Hearing having been posted, distributed by electronic mail and published on the Town website, and proof of publication in the *Times Herald Record* having been furnished, a Public Hearing held before the Town Board of the Town of Tuxedo on Monday October 26, 2020 at the Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Kenneth English at 7:29 p.m.

Supervisor English and requested any comments from the public

“He stated that there were a few ground rules for this virtual public hearing so that it will provide an opportunity for each for the Town Board to hear residents about concerns related to the 2021 budget and suggestions each person who wishes to be heard will be allotted two to three minutes for comments. The Town Board members will take note of the public comments so that we can deliberate and carefully consider the ideas offered.

Additionally, this meeting is being recorded. Some of the town deliberation will happen this evening obviously as we're hearing back from the public and will continue between now and until the town board is ready to vote on this budget. The budget must vote must happen before Friday November 20th when the final budget needs to be adopted. As of yet we haven't decided a date to vote in the budget. We want to give town board members a chance to reflect on any comments they have tonight and to have further discussion at the town board meeting on November 9th. Additional written comments will be accepted by the town board for consideration until Thursday November 5th so please send those comments to the town clerk's email. With the help of the deputy supervisor we'll begin the hearing from the public since we don't have a sign in sheet we'll go down the list of participants in the WebEx que that Michelle has on her screen. As you're called upon please let us know if you have a comment if you don't have a comment you could just say pass and if so identify yourself and state your address.

Resident Evelyn David, Commented on the dam and the ERP. She questioned who was liable and where do we stand on it. She asked that the Board have it on an agenda at a meeting.

Claudia Bahkiatry Resident commented it is confusing sometimes going through the line items. She would like to see some kind of guidance that she could look up to follow along. She thanked the Board for putting all the work into the Budget and said 2% is really not a big increase across the Board for everyone that is doing all the work for the town.

She appreciates everybody's help and thanked them.

**Town Budget
Hearing**

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Resident, Irene Denaro, thanked everyone on the Board for their hard work.

Resident Jerry Mottola had a question on the town sewer district. He questioned if there would be an increase, will there be a meeting. Supervisor English replied they would address that at the end of the meeting.

Resident John McNamara stated times are tough right now and this Covid pandemic is making things very difficult for a lot of people. A lot of people are out of work. A lot of people can't afford to pay their taxes. A lot of people can't afford to pay their mortgage and we're anticipating lower revenues from the state. The previous administration worked really hard to build up reserves and he thinks it's **completely unacceptable** for the town board members to give themselves a pay raise. He said "it's just unacceptable in my humble opinion. I appreciate the hard work but you all knew what the pay was when you're running for the board okay and to give yourself raises in the time of a pandemic when people are out of work is completely unacceptable in my opinion and especially if you're dipping into the reserves for that so that that's it that's the end of my comment thank you"

Resident Mary Greatzer "I also think that a raise is a little inappropriate and but more that I wonder if you had any meetings amongst the town board that would be like workshop meetings that the public could have listened to. I don't think we've ever had the budget presented to us and then usually the way it has gone is it's presented and then the Board has workshop meetings so that the different board members have a chance to ask questions and discuss what's going on with the budget and to my knowledge that didn't take place this year or if it did it wasn't in public and I didn't see any of it. My other question is I've been following the town board since I can't even tell you what the thing was but it was Ken Magar and before that's that many administrations before and through a lot of deputy supervisors' don't know one that had any salary other than what every other town board member gets and I think it's really inappropriate and hurtful to people in town that you choose this year just to raise your salary in particular thank you"

Resident Michael Riordan "Hi thanks I hope everybody is remaining safe and healthy in these difficult times one of the questions I did have was kind of just asked but I'm curious when the budget workshops were held as I know this Town Board was very big on workshops in the past and I haven't seen anything about a workshop for the budget. Secondly I'd like to ask are the police back to 24 hours, because before any money should be spent it should be to the first responders who are going to protect us during these difficult times and the explanation of the Deputy Supervisor getting over 70 percent pay increase from the supervisor made it sound like the Supervisor needed help. If the Supervisor needs help the money should come from his salary not from the taxpayers. That's all my comments thank you"

Resident Andy Berish said "what I'm concerned about the tuxedo silver dollar seniors we haven't been able to go anywhere to spend this 2020 budget money and is it possible that you could carry it over till next year so we can have extra money to go and do things because we don't know what's going to take place or is it just we lose that money we only spent like nine so far and I just wanted to know if it's possible for you to just you know consider giving us the 2020 money over and into the 2021. " He was told the Board and the Bookkeeper will look into it.

Councilmember McMillen: think everybody's clear on the points I've made in my personal review which we which was required by email I do agree with some of the other comments that you know probably that the disparity and or the increase in the salary for the deputy may not be warranted I didn't know there was a pitch counter going on for all the efforts I certainly put a lot of effort in when I did the job for over three years so I just guess I didn't understand what the catalyst for that was so basically that's all I have.

Councilmember May said "I mean I don't know if people realize but the work of the town is huge it's where very you know we're a small town where a lot of people do a lot of things and unless you are on the board and you see the work that the deputy supervisor does you do not realize the amount of time the amount of hours the amount of effort and also the amount of money that comes into the town because of the work of the deputy supervisor so I think it is definitely okay and right and for the benefit of the taxpayers in the town that this position would be made a more of a full-time position or a fuller time or whatever the increase is definitely warranted it's a lot of work a lot more work of all of those of us that have full-time jobs and cannot give us much time to do the work as is needed that's just my two cents, thank you."

Jay Reichgott: commented "I don't have any particular comments at this time except to say that I've heard the comments we will take them under advisement, thank you."

Supervisor English said "we wanted to listen carefully as we said this is being recorded I've taken notes on all the comments uh that that everyone has made here this evening and I'd like to give it careful deliberation so that we can respond on our November 9th meeting with real focus and also for me to have an opportunity to check in with Town Board members and so they also can consider these points so that we could have a final discussion on November 9th to answer any questions and hopefully also we'll receive some more comments in writing directed through the Town Clerk, Donna Matthews email. I look forward to further discussion and I also want to thank Brian for putting in so much work and to Michelle while I was out for the last two weeks.

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RESOLVED, motion made by Supervisor English seconded by Deputy Supervisor Lindsay, that, all persons desiring to be heard have been heard, the Public Hearing regarding the 2021 Final Budget be closed subject to accept comments in writing until November 5, 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

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: 2012917483 through 2012917548
Claim numbers 2012917494 and 2012917542 were deleted due to entry errors.

General Fund :	\$120,595.78
Part-Town Fund:	22,903.83
Highway Town Wide :	17,473.06
Highway Part Town:	2,200.00
Refuse And Garbage Disposal:	2,377.98
Hamlet Sewer District:	500.00
Trust and Agency	11,458.02
Total Abstract Amount:	\$177,508.67

AGENDA ITEMS:

1.Resolution Appointing Town Clerk:

Motion made by Supervisor English, seconded by Councilmember May,

Town Clerk
Appointment

Whereas the duly elected Town Clerk Donna Matthews is retiring from her office effective October 31, 2020 creating a vacancy in the Office of the Town Clerk; and
Whereas under the NYS Town Law, the Town Board is authorized to appoint a person to the position of Town Clerk under these circumstances; and
Whereas the Town Board has determined that Deputy Town Clerk Marisa Dollbaum has the skills, experience and requisite personality for the position;

NOW THEREFORE BE IT RESOLVED

That Marisa Dollbaum is hereby appointed Town Clerk, to fill the unexpired term in the office of Town Clerk effective November 1st, 2020 through December 31, 2021.

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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

Motion by Supervisor English
Seconded by Councilmember May
On a vote of 5 ayes 0 nays the Resolution was adopted.

2. Resolution Budget Modification :

**Budget
Modification**

Motion made by Supervisor English seconded by Deputy Supervisor Lindsay to introduce a budget modification to the 2020 budget to increase the account code A1620.401.2027 (Town Owned Properties) to cover expenses for the dirt pile remediation cleanup, at \$250,000. This money will be taken from the unassigned fund balance in the A fund.

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

ADJOURNMENT:

RESOLVED, motion made by Supervisor English seconded by Councilmember McMillen to adjourn the regular Town Board meeting at 8:22 pm.

Adjournment

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

The meeting was adjourned

Respectively Submitted,

Donna Matthews
Town Clerk
Town of Tuxedo

David McMillen Aye
Councilmember :
Deputy Supervisor:
Supervisor:

Jay Reichgott Aye
Michele Lindsay Aye
Kenneth English Aye

