

Regular Town Board Meeting
This meeting was held virtually through WebEx
January 25, 2021

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, January 25th, via WebEx, and called to order by Supervisor English at 7:03 p.m.

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:

Ms. Marissa Weiss, Esq.; Mr. Brian Sullivan, Bookkeeper; Mr. Robert Dollbaum, Highway Superintendent; David Maikisch, Building Inspector; Lt. John Norton

MINUTES:

RESOLVED, motion made by Supervisor English, seconded by Councilmember May to accept the minutes of the Regular Town Board Meeting held on January 11th.

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 Maria May, seconded by Councilmember McMillen, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012917889 to 2012917963

Voucher 2012917901 was run off cycle to facilitate payment on the grant money received

General Fund :	\$133,817.44
Part-Town Fund:	\$36,373.10
Highway Town Wide :	\$7,214.13
Hamlet Sewer District:	\$6,085.70
Trust and Agency	\$36,856.45
Total Abstract Amount:	\$230,846.89

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 held a public meeting on January 21st with Andrew Dance from the Related Group as an invited guest. Mr. Dance will present a revised model of Tuxedo Farms at the next Tuxedo Farms LDC meeting on February 17th at 10am. Supervisor English, Deputy Supervisor Michele Lindsay, Attorney Howard Protter and Labor Consultant Michael Richardson met with the PBA to negotiate the Collective Bargaining Agreement. There is another meeting scheduled tomorrow, January 26th that is not open to the public.

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TOWN BOARD UPDATES

- Michele Lindsay, Deputy Town Supervisor, stated that she has attended multiple webinars for the Climate Smart Community Task Force. Their next joint meeting with the Village is scheduled on February 1st at 5:30pm.
- Maria May, Councilmember, had nothing to report.
- Jay Reichgott, Councilmember, had nothing to report.
- David McMillen, Councilmember, had nothing to report.

DISCUSSION ITEM:

1. Watchtower representative to propose assistance with the dirt pile remediation –
TABLED

PRESENTATION: Beckman Appraisals

The Town of Tuxedo passed a resolution to hire Beckman Appraisals on August 24, 2020 to appraise New York State owned lands within the Town of Tuxedo. Town Assessor, Jim Davies, stated that the State land study has been completed. The rateables came back close to what they had projected. Mr. Bill Beckman explained that park land owned by NY State is taxable. A thorough appraisal was done for each state land parcel and his company has provided a detailed report, which will be sent to the Office of Real Property in support of the increase. The State has to approve the increases and there may be negotiations for some of the parcels. There will be a summary posted on the Town's website in September or October once the numbers are finalized.

Public Comments on Agenda Items:

- Camille O'Brien, Director of Legislative Affairs for Senator Martucci, introduced herself and let the Board know that she is the liaison for the Senator.

AGENDA ITEMS:

1. RESOLUTION DEMANDING PAYMENT OF UNPAID PILOT AGREEMENT
PAYMENTS BY TUXEDO PLACE L.P.

By The Town of Tuxedo, adopted this 25th day of January in the year 2021:

WHEREAS, the Town of Tuxedo ("TOWN ") engaged in an agreement for payment in lieu of taxes (PILOT) on August 24, 1999 with Tuxedo Place L.P., a New York limited partnership doing business in the Town of Tuxedo, and having its principle place of business at 608 Mountainside Drive, Southfields, New York 10975; and

WHEREAS, the PILOT agreement provides that each year, Tuxedo Place, LP shall provide to the Town Assessor it annual audited financial statements no later than March 1st which the Assessor will use to calculate the assessment for the following year based upon the following agreed formula:

DETERMINATION OF REAL PROPERTY ASSESSMENT

1. Determine Gross Potential Income
2. Deduct Expenses
3. Equals Modified Cash Flow
4. Apply Rate of Return of 14%
5. Equals Investment Value
6. Multiply by Equalization Rate
7. Equals Assessed Valuation

NOTES

1. Expenses are defined as actual expenses of operating property, less Real Property Taxes

WHEREAS, payment of the calculated tax obligation is required to be made within the grace period for payment of taxes without penalty in accordance with law; and

WHEREAS, Tuxedo Place, LP has not provided to the Town Assessor it annual audited financial statements; and

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WHEREAS, TUXEDO PLACE L.P. has not paid the amounts due to the Town under the PILOT Agreement and has been and remains delinquent in its payment of payments in lieu of Town real property taxes due to the Town under the PILOT agreement; and

WHEREAS, the TOWN having sent notice through its legal counsel to TUXEDO PLACE L.P., dated October 16, 2019, advising TUXEDO PLACE L.P. that it was delinquent in its payments to the Town under the PILOT agreement and having demanded payment of all outstanding amounts due pursuant to the PILOT agreement, with interest by letter dated January 15, 2021; and

WHEREAS, TUXEDO PLACE L.P. having failed to bring its account current and make payment in full of all unpaid payments in lieu of Town taxes together with interest, arrears and penalties thereon; and

WHEREAS, as of the date of this Resolution, payment has not been received from TUXEDO PLACE L.P.; and

WHEREAS, the TOWN believes that it is incumbent upon it to enforce the terms of PILOT agreement given that all taxpayers have obligations to pay their taxes on time and in the full amounts owed; and

WHEREAS, pursuant to paragraph 4a of the PILOT agreement, if any payment to be made is not timely made, the Town may make demand for payment of all sums due including interest and penalties; and

WHEREAS, if payment is not made within Ten Days of receipt of said demand, then the obligation and liability shall be the same as upon a promissory note in default;

WHEREFORE, it is hereby

RESOLVED, that if Tuxedo Place LLP's delinquency and default under the PILOT agreement is not cured within ten (10) days of said demand, the TOWN hereby authorizes its Counsel to take legal action to enforce the payment of past obligations, together with late fees, penalties, interest, and attorney fees as provided under the PILOT Agreement and under the law.

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

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

2. Resolution to allow sale of raffle tickets by the Onyx and Breezy Foundation in the Town of Tuxedo

RESOLVED, Motion made by Supervisor English, seconded by Councilmember McMillen, that the Town Board of the Town of Tuxedo does hereby consent to allow the sale of raffle tickets in the Town of Tuxedo by the Onyx and Breezy Foundation of 160 Summit Avenue, Montvale, NJ during the 2021 calendar year in accordance with Section 189 Subdivision 13 of the General Municipal Law.

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

3. Approving Refuse Collection License –

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May, that the Application for Refuse Collection License submitted by the following Companies is hereby approved through December 31, 2021

Interstate Waste Services, Inc. – total of 27 vehicles, paid \$5400.00
Sterling Carting, Inc. – total of 4 vehicles, paid \$800.00

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

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4. **Approving the Town Clerk to Attend the 2021 Training School and Annual Meeting held virtually by the Association of Towns on February 14th – February 17th.**

RESOLVED, Motion made by Supervisor English, seconded by Deputy Supervisor Lindsay, that the Town Clerk be allowed to attend the Town Clerk Training held virtually from February 14th – February 17th. The fee is \$100.00.

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

5. **Resolution Authorizing Execution of Agreement with Warwick Humane Society for 2021 Animal Shelter Services.**

Motion made by Supervisor English, seconded by Councilmember McMillen, that the Town Board hereby authorizes to enter into an agreement with the Warwick Valley Humane Society for animal control services for the period January 1, 2031 through December 31, 2021.

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

6. **Petition of relief from the Building Moratorium Local Law – Itzy’s Collision Enterprises**

RESOLUTION TOWN OF TUXEDO TOWN BOARD EXEMPTING ITZY’S COLLISION ENTERPRISES FROM MORATORIUM ON DEVELOPMENT

WHEREAS, the Town Board adopted on May 27, 2020 a local law titled “Moratorium on Development Approvals,” which local law temporarily suspends requirements to approve developments, except for certain specified development applications, while the Town considers and adopts changes to its land use regulation; and

WHEREAS, this moratorium and the terms and conditions of the moratorium local law was extended via resolution for an additional three (3) month period beginning on December 26, 2020;

WHEREAS, the Town of Tuxedo (hereinafter “Town”) notes that the Town has received a Moratorium Waiver Petition for administrative relief to pursue an amended site plan for an existing auto repair business located at 1027 NY-17 (Southfields, SBL No. 5-4-9) (hereinafter “applicant”); and

WHEREAS, the Board finds that, pursuant to Section 4 of the moratorium local law, this Petition includes clear and convincing evidence that the applicant’s current use is permitted under the current and proposed zoning, that a site plan amendment could enhance the property if the Board allows the applicant to proceed with amended site plan review at the Town Planning Board and/or pursue the identified bulk area variances as may be needed at the Town Zoning Board of Appeals, and that, without being allowed to pursue said development approval(s) that the applicant would be caused irreparable financial injury; and

NOW, THEREFORE, BE IT RESOLVED that Town of Tuxedo, in compliance with Section 4 of Local Law 3-2020, exempts the applicant from the “Moratorium on Development” and directs that the applicant is now permitted to proceed at the Town Planning Board and/or Zoning Board of Appeals to apply for the required development approval(s).

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

The Supervisor declared this resolution adopted.

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Other Business:

Resolution Approving Towing License Permits

RESOLVED, motion made by Supervisor English, seconded by Councilmember May, that the Applications for Towing Licenses submitted by the following businesses, having received approval of Detective Stefan Christian, are hereby approved through December 31, 2021.

Loyal Tire & Auto Center, Monroe, NY
Apple Automotive, Monroe, NY
NJV Auto, Sloatsburg, NY
Harriman Auto, Harriman, NY
Harriman Auto, dba CARS, Harriman, NY

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

DEPARTMENT UPDATES

- Rob Dollbaum, Highway Superintendent, said the Highway Dept. resumed their tree trimming. They are still working by the South Gate and working their way to Eagle Valley and then head north. He reminded residents that electronic recycling is continuing through the end of January. They are also preparing the equipment for any snow and have continued working on separating materials at the dirt pile on the Long Meadow Rd. property. There will be a bonfire at the Powerhouse Park on February 2nd. Also, the basketball court at the Powerhouse Park was flooded to create an ice skating rink.
- Building Inspector, Dave Maikisch, said the owner of the Southfields property cancelled their weekly meeting, but two additional cars were removed from his property.

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- Marisa Dollbaum, Town Clerk, let residents know that the closest locations to schedule an appointment for the COVID vaccine are in Potsdam and Plattsburgh, which are both almost 400 miles away. She will pass on any information that she receives on the vaccine availability to residents.
- Lt. Norton gave the same update on the availability of the COVID vaccine. He also alerted residents about the upcoming snow storm and reminded everyone to stay off the road if possible.
- Claire Squillini, Court Clerk, gave an update on the credit card payments accepted in the Court. In one month \$16,000.00 was collected. Court appearances are closed and they are scheduling court dates three to six months out.

PUBLIC COMMENTS

- Resident Irene Denaro, thanked the Town Board for all of their hard work and dealing with Town issues that have not been addressed in the past years.
- Resident Evelyn David asked Councilmember Reichgott for an update on the Arden dam emergency plan. Councilmember Reichgott let her know an updated emergency plan has not been received yet.

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ADJOURNMENT

RESOLVED, motion made by Councilmember May, seconded by Deputy Supervisor Lindsay to adjourn the meeting at 8:52 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

Marisa Dollbaum
Town Clerk
Town of Tuxedo