

Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr., Tuxedo, NY 10987  
And via Zoom  
August 14, 2023

Supervisor English called to order the Town Board Meeting of August 14, 2023 at 7:05pm.

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

Town Board Members Present:	Mr. Kenneth English	Supervisor
	Mr. Jay Reichgott	Deputy Supervisor
	Mrs. Michele Lindsay	Councilmember
	Ms. Maria May	Councilmember (via Zoom)
	Ms. Deirdre Murphy	Councilmember

Town Board Member Absent: None

**Recording Secretary:** Marisa Dollbaum    **Town Clerk**

**Other Town Officials Present in person:**

**Public Comment(s) on Agenda Items**

There were no public comments.

**Agenda Item #1 – Resolution to approve temporary sign permit – Masker Orchards**

Motion made by Supervisor English, seconded by Councilmember May, that the Town Board hereby issues a special sign permit to Masker Orchards, 129 Edgemere Ave, Greenwood Lake, 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 late-August 2023 and ending no later than November 15, 2023, at which time all signs must be removed:

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On Route 17 just up from Tuxedo's southern border  
On Route 17 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.

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

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

**Agenda Item #2 - Resolution to approve temporary sign permit – Renaissance Faire**

Motion made by Supervisor English, seconded by Councilmember Murphy, that the Town Board hereby issues temporary sign permits to the New York Renaissance Faire for two (2) directional signs measuring 8' x 8' to be placed at 965 Route 17, Southfields, NY and 538 Route 17, Tuxedo, NY for the months of August through October, 2023 in the design and wording depicted on the applicant's sample on file in the Town Clerk's office.

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

**Agenda Item #3 - Resolution to consider bid proposal for Highway Garage Floor Rehabilitation**

Motion made by Supervisor English, seconded by Deputy Supervisor Reichgott, that the Town Board of the Town of Tuxedo hereby accepts bid proposal for the Highway Garage Floor Rehabilitation submitted by Culbertson Company of New York \$162,821.00 and allows Supervisor English to sign the contract.

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

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**Agenda Item #4 - Resolution approving Shane Smith to attend Basic Wastewater Certification Course**

Motion made by Supervisor English, seconded by Councilmember Murphy that the Town Board of the Town of Tuxedo hereby approves Shane Smith to attend Basic Wastewater Certification Course hosted by Jamestown Community College from August 14<sup>th</sup>-August 25<sup>th</sup> for a cost up to \$5,000.00. This course will provide instruction for Basic Wastewater operation to individuals seeking to become certified and follows the DEC curricula guide for wastewater treatment plant operators.

2 Week Course: \$1595, Room (incl breakfast): \$1902.36, Food: (up to \$50/day): \$600, Mileage: 632 mi @ .655/mi: \$413.96

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

**Agenda Item #5 - Resolution to introduce Local Law entitled “Short-Term Rentals” and schedule Public Hearing**

Tabled until the meeting on August 14, 2023

**EXECUTIVE SESSION**

Motion made by Supervisor English at 7:29pm to enter into an executive session for the purpose of discussing two pending litigation matters.

The Board re-entered the public meeting at 7:53pm.

No action was taken.

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**OTHER BUSINESS:**

**1. Resolution Settling of Tax Certiorari Claim**

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 14<sup>th</sup> day of August, 2023;

WHEREAS, LR TUXEDO DEVELOPMENT GROUP, LLC, 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 following years:

2023-24 tax assessment year bearing Orange County Index No. EF004603-2023

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of J&G Law, LLP, 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, LR TUXEDO DEVELOPMENT GROUP, LLC are willing to settle this proceeding without interest, costs or disbursement, in the following manner:

(1) That the proceeding for the 2023-24 tax year be compromised and settled by the assessment being reduced from \$5,326,392 to a total assessment of \$4,367,641 for a total reduction in assessment of \$958,751 for tax map nos. 214-1-35, 214-1-38, 214-1-39, and 214-1-34.2;

(2) That the Petitioner's real property taxes on said parcel above described for the 2023-24 School taxes and for the 2023 County and Town taxes be adjusted accordingly and the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be;

(3) That the assessment for the 2023 assessment year shall be reduced to \$4,367,641 with the provisions of Real Property Tax Law §727 to apply.

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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 J&G Law, 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 Lindsay, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

**2. Resolution to approve purchase of prefabricated shed for a cost up to \$5,000,00**

This item was tabled to explore other options.

**3. Porta Potty Rental for area near Train Station during renovations**

Motion made by Supervisor English and seconded by Councilmember Lindsay, to approve rental of two port-a-johns to be placed near the Tuxedo Train Station not to exceed \$1,000.

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

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**Monthly Reports**

Supervisor English is in receipt of the following monthly reports:

- Building Department
- Justice Court
- Town Clerk

**DEPARTMENT UPDATES:**

- Marisa Dollbaum, Town Clerk, announced an Orange County Hazardous Waste Collection Event on Saturday, September 30<sup>th</sup> from 9am-1pm at 401 Washington St. in Newburgh. Some of the items allowed are paints, stains, fluorescent bulbs and fire extinguishers. The flyer with full details is posted on our website. The DEC has a new program called Hunters for Eagle Conservation which offers rebates up to \$60.00 on the purchase of non-lead ammo. She received the denial letter from NYSDOT in the request of the school speed zone on Route 17.
- Robert Dollbaum, Highway Superintendent, said his department will need a new car lift and tandem truck. They continue to work on the dirt pile with screening material. They are finishing curbs in Laurel Ridge. The drainage job in Clinton Woods that needed to be done for many years has been completed. The work needed to be done on Patterson Hill Rd. will be their next project. Compost is used up for the year, but free mulch is available to residents at Quarry Field.

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Supervisor English said TAM Enterprises of Goshen will begin the Train Station restoration project this week. This will require closing the building to the public. The paint colors will be matched to the existing palate. Staining and painting is expected to begin on Thursday. Replacement of damaged woodwork will also begin this week. The three Tuxedo LDC Grant recipients Augusta Properties (Orange Top and adjacent office), Karlyn Realty (warehouse building), Tuxedo Historical Society (old Chase Bank building), continue to make great progress. The Town has submitted a grant proposal for the Train Station restoration project seeking \$140,000 in funding. Cooper Arias has received the final information needed to complete the 2022 audit and a draft will be ready for review shortly. Cooper Arias is also preparing a summary of the 2023 year to date activity for the Board to review.

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- Deputy Supervisor Reichgott followed up on resident Jerry Mottola's request to block one lane of traffic on Route 17 on the weekends. Chief Trazino said that would not be allowed unless an emergency situation occurred.
- Councilmember Lindsay asked to set up workshops to discuss information from recent meetings she attended with NYSDOT and MTA. She would also like to start discussions with the board regarding a Conservation Advisory Committee that is suggested in the Town's Comprehensive Plan.
- Councilmember Murphy signed up for Constant Contact to use for Town communication. She asked about security for downstairs, specifically for Court staff.
- Councilmember May read a statement thanking all of those involved with helping run a successful summer camp. Family Fun Day is going to change to Tuxedo Fall Festival and is scheduled for Saturday, October 21<sup>st</sup> to help avoid Ren Faire and Masker Orchards traffic.

## **MINUTES**

Motion made by Supervisor English, seconded by Councilmember Murphy to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on July 24, 2023.

The foregoing resolution adopted on a vote of 4 ayes, 1 abstention.

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**VOUCHERS**

Below are the vouchers totaling \$5000 or greater

2012921954	Global Montello Group	\$5,018.90	Fuel
2012921955	Environmental Consultants LLC	\$6,606.40	Monthly Maintenance Fee
2012921960	H.O. Penn Machinery Co Inc	\$9,650.00	Bulldozer Rental for Dirt Pile
2012921966	Fusco Engineering	\$14,000.00	Code Enforcement Officer June 2023
2012921971	Hoffman Engineering Services	\$5,596.75	Train Station/Sewer
2012921982	NY State Insurance Fund	\$5,747.95	Workers Comp August 2023
2012921984	Rockland Paramedic Services, Inc	\$63,196.50	August Paramedic & EMT
2012921988	IWS of New York	\$31,507.79	July Garbage & Recycling
2012921989	TAM Enterprises Inc	\$6,840.00	Payment No. 1 Train Station Repairs
2012921991	Atlantic Pavement Marking	\$11,500.00	Line striping- 5 Roads
2012921992	Robert Young & Sons Paving	\$7,801.00	Asphalt
2012921994	C.N. Wood Co. Inc	\$12,291.52	Excavator Rental for Dirt Pile
2012921996	Lease Servicing Center	\$12,963.62	Payment #5/5 Hot Patch Dump
2012922002	Benistar	\$5,354.14	Retiree Medical Benefits September 2023

On a motion made by Supervisor English, seconded by Deputy Supervisor Reichgott, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012921940 through 2012922009

General Fund:	\$156,962.38
Part-Town Fund:	\$26,832.82
Highway Town Wide:	\$18,878.26
Highway Part Town	\$10,355.67
Hamlet Sewer District	\$6,606.40
Refuse and Garbage Disposal	\$31,507.79
Trust and Agency	\$2,025.00
<b>Total Abstract Amount:</b>	<b>\$253,552.32</b>

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.



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**PUBLIC COMMENTS**

- Resident Dale Mottola stated she was present at the Tuxedo Library on a Saturday when their bathrooms were busy with visitors from the Farmer's Market.

**DISCUSSION:**

Parks and Recreation Local Law updates will be further discussed at the meeting on August 28<sup>th</sup>.

**ADJOURNMENT**

Motion made by Supervisor English seconded by Councilmember Murphy, to adjourn the meeting at 9:41pm.

The foregoing resolution was adopted on a vote of 5 ayes, 0 nays.

Respectfully submitted,

*Marisa Dollbaum*

Marisa Dollbaum  
Town Clerk  
Town of Tuxedo