

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
February 26, 2025

Supervisor McMillen called to order the Town Board Meeting of February 26, 2025 at 7:01pm.

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

Town Board Members Present:	Mr. Dave McMillen	Supervisor
	Mr. Deirdre Murphy	Deputy Supervisor
	Mr. Chris Kasker	Councilmember
	Mr. Chris Dollbaum	Councilmember
	Mr. Adam Eirand	Councilmember

*Chris Dollbaum was logged on via Zoom at 8:10pm but did not participate in voting.

Town Board Member Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present in person:

Mr. James Horan, Town Attorney; Richard L. Marsh, Chief of Police

Supervisor McMillen Thanks Highway Employee

Supervisor McMillen expressed his thanks to Town Highway employee Steve McGrady for his assistance with a resident who fell in her driveway.

Presentations

- Hamlet Revitalization – Phase 1
- NY/NJ Trail Conference - River Walk at Powerhouse Park

Public Hearing Opened

On a Motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy the Public Hearing on Introductory Local Law entitled “Reducing Planning Board Membership to Five Members” was opened at 7:30pm.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

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TOWN OF TUXEDO
INTRODUCTORY LOCAL LAW
REDUCING PLANNING BOARD MEMBERSHIP TO FIVE MEMBERS

BE IT ENACTED by the Town Board of the Town of Tuxedo, County of Orange, State of New York, as follows:

Section 1. *Legislative intent. The Town Board finds that reducing the number of Planning Board members from seven to five members will facilitate the review, decision-making and administrative processes of the Board.*

Section 2. *Subsection A of §16-21, titled “Legislative intent,” of Article V, titled “Planning Board,” of Chapter 16, titled “Officers and Employees,” of the Code of the Town of Tuxedo is amended by adding the following to the end of said subsection A:*

[Note: Subsequent to adoption of this §16-21A, the Town Board, by Local Law No. 1 of 2025, reduced the number of Planning Board members from seven to five.]

Section 3. *Section 16-22, titled “Terms; appointment; vacancies,” of Article V, titled “Planning Board,” of Chapter 16, titled “Officers and Employees,” of the Code of the Town of Tuxedo is amended by re-lettering subsections A, B and C to B, C, and D and adding a new subsection A to read as follows:*

A. The Planning Board shall consist of five members. The term of office of each member shall be five years, and the terms shall be staggered such that one term shall expire on December 31 of each year.

Section 4. *Supercession.*

To the extent that any provisions of the state Town Law, including §§267 and 271 thereof, or any provisions of the Town Code or Town Board resolution are inconsistent with this local law, such provisions are hereby superseded.

Section 5. *Effective Date.*

This local law shall take effect immediately upon filing with the Secretary of State.

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Open for Public Comment(s):

There were no public comments.

Close Public Hearing:

On a motion made by Supervisor McMillen, seconded by Councilmember Eirand, that, all persons desiring to be heard, having been heard, the Public Hearing on Local Law entitled “Reducing Planning Board Membership to Five Members” be closed at 7:30pm.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Public Comment(s) on Agenda Items

There were no public comments.

Agenda Item #2 - Allow Sale of Raffle Tickets for the Onyx and Breezy Foundation

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Murphy, 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 during the 2025 calendar year in accordance with Section 189 Subdivision 13 of the General Municipal Law.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Agenda Item #3 - Resolution to Approve Entering into an agreement with DRS Operations Company, LLC, DBA Meadow

On a motion by Supervisor McMillen, seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo approves the Agreement with DRS Operations Company, LLC, dba Meadow regarding community distributed generation credits, as presented.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

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Agenda Item #4 - Resolution to Adopt Policy on Employee Notification of Disciplinary Record Requests Under FOIL

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town of Tuxedo adopts the below Policy on Employee Notification of Disciplinary Record Requests Under FOIL.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Policy On Employee Notification Of Disciplinary Record Requests Under FOIL

Purpose

Pursuant to §87(6) of the Public Officers Law, all agencies must develop a policy to notify public employees if their disciplinary records may be released in response to a FOIL request. This policy provides for the proper notification to an employee, the contents of the notification, delivery of the notification, and the opportunity for the employee to respond or object to the release of the disciplinary records.

Notification Requirement

The Town of Tuxedo will provide notice to current and former public employees if their disciplinary records are subject to a FOIL request. Within five (5) business days of receiving a FOIL request for an employee's disciplinary records, the Records Access Officer or designee will notify the employee in writing (by email or mail) of the FOIL request and include a copy of the FOIL request. If the contact information of a former employee is not readily available, reasonable notification efforts will be made and those efforts documented. Such notification efforts shall be the responsibility of the Town Clerk.

Employee Response to Notification

An employee shall be given five (5) business days from the date of notification to submit a written objection or other response in writing (by email) to the Records Access Officer to the release of the disciplinary records, specifying the grounds for an objection based on FOIL exemptions and provide any other information that the employee believes may be relevant to the decision-making process regarding release of the records.

Review of Objections and Decision

The Records Access Officer or designee will review any objection or other response (jointly, "objection") submitted by the employee within the required time frame. If the employee's objection is not received in the required five (5) business days time period, the Records Access Officer shall have no obligation or responsibility to review the employee's objection. After reviewing any employee objection, the Records

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Access Officer will make a final determination whether all or a portion of the disciplinary records, with or without redactions, will be released in accordance with law. The Records Access Officer will provide to the employee a copy of the Records Access Officer's response and released records at the same time or soon after the response and records are released to the FOIL requestor.

Application of FOIL to FOIL Requests and Objections

FOIL requests for disciplinary records and objections to such requests are subject to disclosure under FOIL. If a FOIL request is made for the release of such requests or objections, that FOIL request will be reviewed and such records released in accordance with FOIL without notice or opportunity for objection by any person.

Definition of Disciplinary Records

The Town will utilize the definition of "law enforcement disciplinary records" as provided in Public Officers Law §86(6), applying that definition to disciplinary records of non-law enforcement employees.

Agenda Item #5 - Resolution to Appoint FOIL Appeal Officer

On a motion by Deputy Supervisor Murphy and seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo appoints the Town Supervisor as the FOIL Appeal Officer.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Agenda Item #6 - Resolution to Approve Termination of Everbridge Contract

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo hereby ratifies and approves the termination of the contract with Everbridge, Inc. dated 03/21/2018 effective as of 03/30/2025 as outlined in the attached agreement.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

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Agenda Item #7 - Resolution to Authorize Town Supervisor to Sign Conservation Easement and Drainage Easement for the Metro R Services Subdivision

On a motion made by Supervisor McMillen, seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo authorizes the Town Supervisor to sign the Conservation Easement and Drainage Easement for the Metro R Services Subdivision.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

**Councilmember Dollbaum logged onto the meeting via Zoom at 8:11pm.

Agenda Item #8 - Resolution to Approve Town Clerk Annual Training

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo approves the 2025 NYS Town Clerks Association Training in Syracuse for Town Clerk, Marisa Dollbaum April 27th through April 30th for a total cost of \$984.00 from budget line A1410.440.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

Agenda Item #9 – Resolution to Appoint Parks and Recreation Advisory Board Member

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo appoints Ryan McKenna to the Parks and Recreation Advisory Board to fill a vacancy with a term ending 12/31/2025.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

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Agenda Item #10 – Resolution to Appoint Assistant Court Clerks

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo appoints the following to the Justice Court:

Debra Petrosky be appointed to the part-time position of **Assistant Court Clerk** (Civil Service #1052 - Non-Competitive) at the hourly rate of \$24.00 per hour for 17.5 hours per week (910 hours annually). Budget Code A1110.1 for \$21,840.00

Katherine McLoughlin be appointed to the part-time position of **Assistant Court Clerk** (Civil Service #1052 - Non-Competitive) at the hourly rate of \$24.00 per hour for 17.5 hours per week (910 hours annually). Budget Code A1110.1 for \$21,840.00

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

Agenda Item #11 – Budget Modification

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo approves the following budget modification:

From: SS.0909.000 (Hamlet Sewer District -Fund Balance Unreserved) \$38,441.15

To: SS.8130.700 (Hamlet Sewer District- Sewer Treatment and Disposal- Interest) \$38,441.15

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

Minutes

On a Motion made by Councilmember Kasker, seconded by Supervisor McMillen, the Town Board of the Town of Tuxedo accepts the Minutes of the Regular Bi-Monthly Town Board Meeting held on February 12, 2025.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

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Vouchers

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

Claim numbers: 2012924416 to 2012924466

General Fund:	\$59,943.52
Part-Town Fund:	\$29,222.31
Highway Town Wide:	\$35,832.74
Highway Part Town	\$692.50
Refuse and Garbage	\$33,401.84
Hamlet Sewer District	\$48,386.90
Trust and Agency	\$0
<u>Total Abstract Amount:</u>	\$207,479.81

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

Executive Session

On a Motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy the Town Board of the Town of Tuxedo enters into Executive session at 8:35pm to discuss a personnel matter.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

On a Motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy the Town Board of the Town of Tuxedo left the Executive session and re-entered the Public Meeting at 9:28pm.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

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Agenda Item #1 - Resolution to Adopt Local Law “Reducing Planning Board Membership to Five Members”

LOCAL LAW NO. 1 OF 2025

WHEREAS, an introductory Local Law, titled “Reducing Planning Board Membership to Five Members” was introduced before the Town Board of the Town of Tuxedo on February 12, 2025, and upon notice duly published and posted, a hearing was held on February 26, 2025, before the Town Board, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law.

NOW, THEREFORE,

BE IT RESOLVED, that the adoption of the introductory Local Law titled “Reducing Planning Board Membership to Five Members” is a SEQR Type II action and is determined not to have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law titled “Reducing Planning Board Membership to Five Members” of the Town of Tuxedo be and hereby is adopted as Local Law #1 of 2025 of the Town of Tuxedo on February 26, 2025.

On the motion by Supervisor McMillen, seconded by Councilman Eirand, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Other Business

1. Accept Administrative Supervisor Resignation

On a Motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy the Town Board of the Town of Tuxedo accepts the resignation from Carey Alley effective April 4, 2025.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

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2. Planning Board Members:

On a Motion made by Supervisor McMillen and seconded by Councilmember Eirand the Town Board of the Town of Tuxedo hereby removes William Friedlich from Planning Board effective immediately due to not fulfilling his training requirements.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

On a Motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy the Town Board of the Town of Tuxedo appoints James Carse to fill the vacancy on the Planning Board with term expiring 12/31/2025.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

On a Motion made by Supervisor McMillen and seconded by Councilmember Eirand the Town Board of the Town of Tuxedo appoints Christina Nemec to the vacant Alternate Planning Board position with a term ending December 31, 2025.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.

Adjournment

Motion made by Supervisor McMillen seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo adjourns the meeting at 9:30pm.

The foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Abstain.