

**Regular Town Board Meeting  
Town of Tuxedo  
Via WebEx  
February 28, 2022**

Supervisor English called to order the Town Board Meeting of February 28, 2022 at 7:02pm

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

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

Town Board Member Absent: None

**Recording Secretary:** Marisa Dollbaum Town Clerk

**Other Town Officials Present:**

Marissa Logan, Town Attorney; Rob Dollbaum, Highway Superintendent; Frank Peverly, Zoning Board Chairman; Lt. John Norton

**Public Comments on Agenda Items**

There were no public comments.

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**Agenda Item #1**

**Retain Appraiser for Tax Certiorari Proceeding**

At a meeting of the Town Board of the Town of Tuxedo, County of Orange, State of New York, held at the Town Hall in said Town on the 28<sup>th</sup> day of February, 2022;

WHEREAS, Martin Friedman, has commenced a tax certiorari proceeding against the Town of Tuxedo in the Supreme Court, State of New York, County of Orange, under Index No. EF005239-2021; and

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of Jacobowitz and Gubits, LLP, Town counsel for the Town in the aforesaid proceeding, that a full trial-ready appraisal of the above matter is required; and

WHEREAS, the fee proposal from James J. Molinaro, Jr., NYS Certified Residential Appraiser is reasonable and reflects the appropriate standard of expertise required for the assignment;

NOW, BE IT THEREFORE RESOLVED, that the fee proposal submitted by James J. Molinaro, Jr., NYS Certified Residential Appraiser accepted and James J. Molinaro, Jr. is hereby retained to provide the necessary appraisal opinions, any required additional work and, if necessary, trial testimony, as presented in James J. Molinaro Jr.'s proposal described above.

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

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**Agenda Item #2**

**RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING**

BE IT RESOLVED that an introductory Local Law, entitled “Creating Community Choice Aggregation Program,” be and it hereby is introduced by Deputy Supervisor Lindsay, before the Town Board of the Town of Tuxedo in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, 1 Temple Drive, Tuxedo, New York at 7:00 P.M. on March 28, 2022, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least five (5) days prior thereto.

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

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**INTRODUCTORY LOCAL LAW  
CREATING COMMUNITY CHOICE AGGREGATION PROGRAM**

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

Section 1. The Code of the Town of Tuxedo is amended by adding a new Chapter 25, titled “Creating Community Choice Aggregation Program,” to read as follows:

**ARTICLE I**

§25-1. Legislative findings; intent and purpose; authority.

- A. It is the policy of the Town of Tuxedo and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and Distributed Energy Resources (DER, as defined below). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the Distribution Utility.
- A. This Chapter establishes the authority for the Town of Tuxedo, in connection with the implementation of a CCA program, to acquire utility data, to select, through competitive solicitation, energy Supplier(s) on behalf of Default Consumers within the jurisdictional boundaries of the Town of Tuxedo, and to maximize value for Participating Consumers through enhanced services related to DER. The Municipality may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact, thereby fulfilling the purposes of this Chapter and promoting an important public purpose.
- B. The Town of Tuxedo Town Board is authorized to implement this Creating Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law, and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the Town.

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§25-2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including, but not limited to, the number of consumers by service and rate class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service and rate class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service and rate class.
- B. CCA ADMINISTRATOR shall mean Town of Tuxedo Town Board or its CCA Administrator, duly appointed and authorized by vote of the Town Board to request Aggregated and Customer Specific Data, to competitively solicit Suppliers for the aggregated demand for electricity and/or natural gas on behalf of Default Consumers, and to offer Participating Consumers additional opportunities to participate or enroll in programs or projects related to Distributed Energy Resources. The CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA Order, unless otherwise specified.
- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all Default Consumers, including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DEFAULT CONSUMERS shall mean customers of electricity and/or natural gas within opt-out eligible service classes (as delineated in the PSC CCA Order), who receive supply service from the Distribution Utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the Program, including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents of the Town. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered Default Consumers and will not be enrolled on an opt-out basis. For the avoidance of doubt, all Default Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Town, as such boundaries exist

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- as of the date the supply contract goes into effect.
- E. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects, community distributed generation (e.g. shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for Participating Consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.
- F. DISTRIBUTION UTILITY shall mean owner or controller of the means of distribution of the natural gas or electricity in the Town. The Distribution Utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.
- G. ESCO (ENERGY SERVICES COMPANY) means an entity duly authorized to conduct business in the State of New York as an ESCO.
- H. PARTICIPATING CONSUMERS shall mean Default Consumers who have not opted out, and non-Default Consumers of any service class that have voluntarily enrolled in the Program.
- I. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- J. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- K. SUPPLIER shall mean an ESCO that procures electric power and natural gas for Participating Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

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§25-3. Authorization of a Community Choice Aggregation Program.

- A. A Community Choice Aggregation Program is hereby authorized by the Town, whereby the Town of Tuxedo Town Board may implement a CCA program to the full extent permitted by the PSC CCA Order, as set forth more fully herein. Without limiting the foregoing:
- B. The Town of Tuxedo Town Board on behalf of the Town may enter into contracts with one or more Suppliers for electric and/or natural gas supply and other services on behalf of Default Consumers.
- C. The Town of Tuxedo Town Board on behalf of the Town may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in DER products and services to Participating Consumers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The town's participation in a CCA program constitutes neither the purchase of a public utility system nor the furnishing of utility service. The Town shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§25-4. Eligibility.

- A. All Default Consumers shall be enrolled on an opt-out basis. Default Consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- B. All non-Default Consumers within the Town, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. The CCA Administrator, on behalf of the Town, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA program.

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§25-5. Opt-Out Process.

- A. A program notification letter, printed on Town letterhead, shall be mailed to Default Consumers at least 30 days prior to customer enrollment. The letter shall include information on the CCA program and the contract signed with the selected Supplier(s), including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the 30 day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§25-6. Data Protection Requirements.

- A. The Town, or CCA Administrator on its behalf, may request Aggregated Data and Customer Specific Data from the Distribution Utility.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all applicable national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the Town must enter into an agreement with the Distribution Utility that obligates each party to meet, collectively, (i) all applicable national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Default Consumer or Participating Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.



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§25-7. Administrative Fee.

The Town or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§25-8. Reporting.

- A. Annual reports shall be filed with the Town Board by March 31 of each year and cover the previous calendar year.
- A. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- B. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§25-9. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 2. Effective Date

This local law shall be effective immediately upon filing with the Secretary of State.

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**Department Updates:**

- Lt. Norton reported there were no major incidents recently. He participated in the Police Chief interviews held last week.
- Marisa Dollbaum, Town Clerk, stated the payment to order the Zoom Room equipment are included in the vouchers to be approved tonight. The next step is to order the equipment and then schedule the installation. She requested for additional Town employees to get access and trained on Nixle to send out emergency notifications.
- Rob Dollbaum, Highway Superintendent, said his department is continuing with plowing, salting and cutting back trees on Warwick Brook Rd.

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Supervisor English attended a Cannabis Conversation webinar on February 16<sup>th</sup>. He learned the rollout of the cannabis legislation is still in the early stages. Police Chief interviews were held on February 23<sup>rd</sup>. The top three civil service candidates were interviewed and he expects that the Town Board will decide on a candidate tonight. He attended a site visit of the Hamlet Sewer System on February 23<sup>rd</sup> with Rob Dollbaum, Jay Reichgott, and Sean Hoffman. They reviewed maps that show current manhole and pipe locations that bring sewage across Rt. 17 toward the pump station on the Ramapo. H2M needs an updated survey to determine sewer line relocation options away from the bank of the Ramapo River. He toured Lennar development sites across New Jersey and saw a variety of townhomes, front garage stacked townhomes, rear garage stacked townhomes, and single-family homes, and age restricted. A request for proposals has will be circulated later this week to identify qualified contractors who can renovate the only existing Tuxedo tennis court located at Tichy Field. The proposed action will also consider the adjacent basketball court. This upgrade will include accommodation for pickleball lines to make the court multi-sport functional.
- Deputy Supervisor Michele Lindsay met with Orange and Rockland representatives regarding rebates to install electric vehicle charging stations. She also visited the development in Tinton Falls, NJ built by Lennar and was impressed. She attended the Association of Towns annual training for elected officials. She will share information from the classes to the other board members.

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- Councilmember Maria May utilized the dumpster for glass recycling that is in place across from Quarry Field.
- Deirdre Murphy also visited the Lennar development in Tinton Falls, NJ. She plans on presenting different options for the Town billboard and other marketing ideas for Tuxedo at the next Town Board meeting. She attended meetings for the Community Action Committee. This committee formed to bring together community events in Tuxedo. The Plein Air reception is schedule for Friday, October 1<sup>st</sup>.
- Jay Reichgott stated the Tuxedo Bag Project has been successful. The drop off locations for reusable shopping bags are the Tuxedo Town Hall, Woodlands Clubhouse, Tuxedo Park Library, Tuxedo Train Station and Sloatsburg Town Hall. There was a recent water main break in the area of Circle Dr. and Schoolhouse Rd. A boil water notice is in place and he is in contact with John Ledwith in the Village Water Department. The boil water notice will be lifted as soon as there as two clean water samples within a 48-hour period.

**Resolution Accepting Minutes**

Resolved, Motion made by Supervisor English, seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on February 14th.

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

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**VOUCHERS**

Resolved, Motion made by Supervisor English, seconded by Councilmember Reichgott, that the following vouchers, having been audited by the Town Board, are hereby approved for payment

Claim numbers: 2012919683 through 2012919740

Voucher 2012919708 was deleted

General Fund:	\$228,637.81
Part-Town Fund:	\$27,486.33
Highway Town Wide:	\$11,837.14
Highway Part Town	\$3,494.81
Refuse and Garbage Disposal	\$
Hamlet Sewer District	\$6,238.3
Tuxedo Farms Sewer District	\$2,124,049.00
Trust and Agency	\$4,685.18
<b>Total Abstract Amount:</b>	<b>\$2,406,428.61</b>

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

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**Other Business**

Resolution to offer a conditional appointment for position of Police Chief

RESOLVED, On a motion made by Supervisor English, seconded by Deputy Supervisor Lindsay, that the Town Board of the Town of Tuxedo hereby offers a conditional appointment to Tamara Dreyer as Police Chief (Civil Service Job Title #1470).

Resident John McNamara asked if the position would continue to be part-time. Supervisor English explained the civil service description is “Full Time with Reduced Hours”, but it would continue to be 17 hours a week.

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

**PUBLIC COMMENTS**

Resident Irene Denaro thanked the Town Board for their hard work in moving Tuxedo forward.

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**EXECUTIVE SESSION**

RESOLVED, On a motion made by Supervisor English, seconded by Deputy Supervisor Lindsay the Town Board entered executive session at 8:17pm to discuss pending litigation and a possible real estate transaction

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

The Town Board re-entered the public meeting at 9:46pm. No action was taken.

**ADJOURNMENT**

Motion made by Supervisor English seconded by Councilmember May, to adjourn the meeting at 9:47 pm.

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

Respectfully submitted,



Marisa Dollbaum  
Town Clerk  
Town of Tuxedo