

**Regular Town Board Meeting
Town of Tuxedo
July 26, 2021**

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, July 26th, at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, and called to order by Supervisor English at 7:05 p.m.

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

Town Board Member Absent:	Mr. David McMillen	Councilmember
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Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Robert Dollbaum, Highway Superintendent; Mr. Arthur Abbott, Police Chief

Mr. Howard Protter, Esq. was present via speaker phone.

Public Hearings:

1. Cannabis Opt-Out Local Law

A Public Hearing regarding “Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Cannabis Consumption Establishments,” “Opt-Out of Allowing Cannabis Retail Dispensaries,” and “Opt-Out of Allowing On-Site Cannabis Consumption Establishments,” was called to order by Supervisor English at 7:12pm.

- Orange County Democrats Representative Rachel Bruess spoke in favor of both retail dispensaries and on-site consumption establishments. She believes the Town could benefit from the sales. She has visited retail stores in other areas and they were professional and clean.

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- Resident Hank Salzer spoke in favor of retail dispensaries since it could potentially help cancer patients.
- Resident Gonal Kamfoi does not believe on-site consumption establishments are a good fit for the Town, but the Board should consider retail dispensaries.
- Resident Gary Lee Heavner is against both retail dispensaries and on-site consumption establishments. He has seen the negative effects of marijuana in his profession and does not think there are any benefits to Tuxedo allowing it. He suggested more research be done on places like Colorado.
- Resident Jerry Mottola believes the Board should not allow either retail dispensaries or on-site consumption establishments.
- Resident Irene Denaro thinks the Town should not have the on-site consumption establishments, but should leave their options open to having retail dispensaries.

There were no further comments from the public.

Resolved, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay, that all persons desiring to be heard, having been heard, the Public Hearing regarding “Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Cannabis Consumption Establishments,” “Opt-Out of Allowing Cannabis Retail Dispensaries,” and “Opt-Out of Allowing On-Site Cannabis Consumption Establishments,” be closed at 7:43pm.

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

The resolution below was introduced after discussion amongst the Board members.

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**TOWN OF TUXEDO
RESOLUTION OF ADOPTION
LOCAL LAW NO. 4 OF 2021**

OPT-OUT OF ALLOWING ON-SITE CONSUMPTION ESTABLISHMENTS

WHEREAS, an introductory Local Law, entitled “Opt-Out of Allowing On-Site Consumption Establishments” was introduced before the Town Board of the Town of Tuxedo on July 12, 2021, and upon notice duly published and posted, a hearing was held on July 26, 2021, 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 entitled “Opt-Out of Allowing On-Site Consumption Establishments” is an Unlisted action under the New York State Environmental Quality Review Act and is hereby determined not to have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, the Town Board, upon its own motion, hereby submits the local law to a referendum be held at the November 2, 2021 general election; and

BE IT FURTHER RESOLVED, that the Board directs the Clerk submit or cause to be submitted the referendum ballot language to the Orange County Board of Elections on or before August 2, 2021 in compliance with New York State Election Law § 4-108; and

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Opt-Out of Allowing On-Site Consumption Establishments” of the Town of Tuxedo be and hereby is adopted as Local Law #4 of 2021 of the Town of Tuxedo on July 26, 2021, subject, however, to approval of this local law at the referendum.

On the motion of Councilmember Reichgott, seconded by Councilmember May, the foregoing resolution was adopted on a vote of 3 Ayes, 1 Nays, 1 Absent.

The Supervisor declared the resolution adopted.

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2. Police Reform Reinvention Report

A Public Hearing regarding the report entitled “Tuxedo NY Police Reform and Revitalization Collaborative” was called to order by Supervisor English at 8:15pm.

- Resident Gary Lee Heavner participated in one of the committees. He feels that it is helpful to have residents involved to know how their local police department operates.
- Police Chief Arthur Abbott also participated in the committees and said the Police Department has already implemented some of the suggestions made to them.
- Resident Sue Scher was also a committee member. She stated the goal of the report was to help with better policing for the Town.

There were no other public comments.

Resolved, motion made by Supervisor English, seconded by Councilmember Reichgott, that all persons desiring to be heard, having been heard, the Public Hearing regarding the report entitled, “Tuxedo NY Police Reform and Revitalization Collaborative” be closed at 8:24pm.

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

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**TOWN OF TUXEDO
RESOLUTION OF ADOPTION
Tuxedo NY Police Reform and Revitalization Collaborative**

Whereas pursuant to Governor Como's Executive Order 203, each local government entity which has a police department must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

Whereas the Town Supervisor convened the Police Chief and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program; and

Whereas the Town is in Receipt of the Report from the Tuxedo Community Police Reform and Revitalization Collaborative Committee dated July 2021, entitled "Tuxedo NY Police Reform and Revitalization Collaborative" which was the subject of a public hearing on July 26th, soliciting public comments on the report at which time the public was heard;

Now therefore be it resolved that the report is hereby adopted as the official report of the Town of Tuxedo and the town clerk is directed to transmit and file the report with the state.

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On the motion of Supervisor English, seconded by Councilmember May, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

The Supervisor declared the resolution adopted.

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There were no comments on the agenda item.

Agenda Item

1. Resolution Determining the Validity of a Petition for a Proposition to increase the Budgetary Allocation for the Tuxedo Park Library to be included on the November 2021 Ballot:

Whereas Education Law §259(1) authorizes the Town to vote taxes for library purposes; and

Whereas the Town Board is the entity which can vote on such taxes unless the procedures for petition in subsection b(1) are implemented; and

Whereas the Town Board has received and reviewed a petition pursuant to Education Law §259(1)(b)(1), which Petition has been endorsed by the Board of Trustees of the Library; and

Whereas the Petition has been reviewed by Town officials

Now, Therefore, BE IT RESOLVED by the Town Board of the Town of Tuxedo, Orange County, New York, as follows:

1. The Petition is properly executed by qualified voters in excess of the total number of votes required by Education Law 259(1) as amended by L 2021 CH.70, (1) and has been properly endorsed by the Board of Trustees of the Tuxedo Park Library.
2. The Town Clerk is directed to forward an abstract of the proposition annexed hereto to the County Board of Elections so the same may be set forth on the ballot of the next general election of the Town of Tuxedo on November 2, 2021.

3. The Proposition shall read:

SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF TUXEDO FOR THE OPERATING BUDGET OF THE TUXEDO PARK LIBRARY BE INCREASED BY SIXTEEN THOUSAND SIX HUNDRED SEVENTY DOLLARS (\$16,670) TO THE SUM OF FIVE HUNDRED EIGHTY-TWO THOUSAND EIGHT HUNDRED THIRTY FOUR DOLLARS (\$582,834) ANNUALLY?

4. If such proposition is approved by the majority of the voters voting thereon at the general election, the amount so authorized shall be the budgetary appropriation for the next Town Budget adopted subsequent to such election pursuant to § 259(1)(b)(1).
5. The Town Clerk shall publish and post notice of the election at least 10 days prior thereto.

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6. The Town Supervisor and Town Clerk are authorized to take all actions necessary and proper to carry out such election under law.

On a motion by Councilmember May, seconded by Supervisor English, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Supervisor English is in receipt of the following monthly report:

- Police Department

DEPARTMENT UPDATES

- Police Chief Arthur Abbott said Officer Hall saved a person's life with the use of Narcan. Officers attended their annual sexual harassment training. They also attended the NYS de-escalation training and firearm training led by Sgt. Russell. Supervisor English read a letter from a woman thanking Officer Shiloh for helping her daughter that walked into to Tuxedo Police Department.
- Robert Dollbaum, Highway Superintendent, said road markings are complete around Town and they will resume with patching. Their next project is to repair a stairway by the train station to make it safer. They will also make repairs and replacements to culverts to help with water back up on the roads. They are maintaining the side of roads with trimming. The work at the dirt pile with the Watchtower group is going well. Lastly, there is mulch, compost and stone available at Quarry Field.
- Marisa Dollbaum, Town Clerk, stated the construction on the back ramp is completed, which was the last part of the ADA project. She posted pictures on the website the Plein Air Art Event and Fishing Derby. She gave an update that Local Law #3 is filed with the Department of State. The next volunteer date at the Pollinator Meadow is August 11th at 11am and anyone interested can email tuxedobutterflies@gmail.com for more information. The RFP for solar project at the highway garage has been posted and the sealed bids will be opened on August 23rd.

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Town Board Updates

- Supervisor English said the Fishing Derby was held on last Saturday. The Watchtower group provided snacks and lunch. The Summer Day Camp is going well. Tuxedo Farms LDC meeting was on July 22nd. Related provided an update with getting the new sewer plant to open and the projected date is the beginning of December. He added that the Town is in the process of hiring a full time police officer.
- Deputy Supervisor Michele Lindsay said she has been working on getting the Town certified through the Climate Smart Community.
- Councilmember Maria May is working with IWS on a solution for recycling glass. She has reached out to IWS representatives to possibly get two bins placed around town for residents to drop off their glass.
- Councilmember Jay Reichgott has been preparing for first public hearing on the zoning code amendments scheduled for August 9th. He has also working on a comparison chart to show the changes made to the old zoning code.

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OTHER BUSINESS

1. **Resolution to Approve Surplus Vehicle Bids:**

Motion made by Supervisor English seconded by Deputy Supervisor Lindsay, that the Town of Tuxedo accepts the following bid awards for a total of \$15,558.50

1. 2009 Johnston Sweeper	\$8,300.00
2. 2008 Ford Expedition	\$2,600.00
3. 2010 Crown Vic	\$610.00
4. 2010 Crown Vic	\$900.00
5. 2013 Ford Taurus	\$2,425.00
6. Briggs generator	\$87.50
7. DEK generator	\$105.00
8. Generac generator	\$300.00
9. Sears amp	\$21.00
10. Troy-Built snow blower	\$210.00

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

2. **Resolution for Town Clerk to put Town Vehicles and Equipment out to Surplus:**

Motion made by Supervisor English, seconded by Councilmember Reichgott, that the Town Board of the Town of Tuxedo hereby declares the following as surplus and authorizes the Town Clerk to put them out to bid with Auction International:

Highway Department

2000 International 5600i dump truck
1995 International 4900 dump truck

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

3. Petition of relief from the Building Moratorium Local Law – 10 Alexander Dr.

Whereas the proposed use is a permitted use under existing zoning and will be a permitted use under the proposed new zoning;

Now therefore be it resolved that the applicant is entitled to an exemption under the terms of the moratorium and may proceed with his land use approvals before the Town's Zoning and Planning boards.

On a motion by Supervisor English, seconded by Councilmember Reichgott, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Minutes

Motion made by Supervisor English, seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on July 12th.

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

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VOUCHERS

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

Claim numbers: 2012918707 through 2012918778

General Fund :	\$183,285.95
Part-Town Fund:	\$10,452.21
Highway Town Wide :	\$7,019.89
Highway Part Town	\$104,839.50
Hamlet Sewer District	\$464.40
Refuse and Garbage	\$30,349.61
Total Abstract Amount:	\$336,411.56

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

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PUBLIC COMMENTS

- Resident Sue Sher is suggesting the meetings be offered virtually. The Board let her know they are working on it. She stated a large tree fell and blocked the entrance to her neighborhood in Clinton Woods. This has happened before and she asked the Board to look into reaching out to the State Parks to see if an emergency road can be built.
- Resident Jerry Mottola questioned where a cannabis retail establishment could be placed in Tuxedo to conform to the rule of not having it near a church or school. He asked the Board to have a representative from the Department of Transportation attend a meeting to explain the impacts of the road construction happening in Sloatsburg. He has noticed traffic backed up as far north as the Gulf Station from Sloatsburg.
- Resident Gary Lee Heavner praised the Police and Highway Department as well as the Library.

ADJOURNMENT

RESOLVED, motion made by Supervisor English seconded by Councilmember Deputy Supervisor Lindsay, to adjourn the meeting at 9:15 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	Absent

Respectfully submitted,



Marisa Dollbaum
Town Clerk
Town of Tuxedo