

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, August 23rd, at the Tuxedo Town Hall, One Temple Drive, Tuxedo, New York, and called to order by Supervisor English at 6:30p.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
	Mr. David McMillen	Councilmember

Town Board Member Absent: none

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Howard Protter, Town Attorney; Mr. Robert Dollbaum, Highway Superintendent

Executive Session

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to enter an Executive Session at 6:30pm for the purpose of employee interviews.

Re-entered the public meeting at 6:59pm and no action was taken.

Continuation of Public Hearing:

1. Zoning Code Amendments

The continuation of a Public Hearing regarding “Zoning Code Amendments,” was called to order by Supervisor English at 7:04pm.

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

There were no public comments.

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, to close the Public Hearing on “Zoning Code Amendments” at 7:07pm.

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

Presentation by Shane Smith from the Highway Department

Public Comments on Agenda Items

- There were no public comments.

Agenda Items

1. Resolution to approve Board of Fire Commissioners Appointment:

RESOLVED, Motion made by Supervisor English, seconded by Councilmember McMillen, the Town Board hereby approves the appointment of Todd Darling to the Board of Fire Commissioners for the Tuxedo Joint Fire District to fill a vacant seat; the term referenced has an expiration date of December 31, 2024.

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

Regular Town Board Meeting
Town of Tuxedo
August 23, 2021

2. Resolution introducing Local Law “Preservation of Fire District” and schedule Public Hearing

BE IT RESOLVED that an introductory Local Law, entitled “Preservation of Fire District” be and it hereby is introduced by Supervisor English, 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, as well as electronically sent to each member in light of COVID-19, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at Tuxedo Town Hall, 1 Temple Drive at 7 P.M., on September 13, 2021, further details of which will be included in the public hearing notice, meeting agenda, and on the Town website, and

BE IT FURTHER RESOLVED that the Clerk post and publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least three (3) days prior thereto.

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

The Supervisor declared this resolution adopted.

Dated: August 23, 2021

**TOWN OF TUXEDO
INTRODUCTORY LOCAL LAW
PRESERVATION OF FIRE DISTRICT**

BE IT ENACTED by the Town Board of the Town of Tuxedo, Orange County, New York, a new Chapter entitled "Preservation of Fire District" providing as follows:

Section 1.

§ -1. Legislative intent.

The purpose of this local law is to provide for the preservation of the existing Town fire district (Tuxedo Joint Fire District) post incorporation and consolidation of the Village of Tuxedo with the existing Town of Tuxedo, to form the Consolidated Town-Village of Tuxedo as of January 1, 2021. Pursuant to New York State Village Law § 17-1720, a local law must be adopted that provides that any existing fire district functioning pursuant to New York State Town Law § 86 located within a newly created village shall continue to function in all respects whatsoever. It is the intent of the Town Board that all employees and officers of such fire districts shall continue to hold their offices and exercise their powers and duties, as though such village were not incorporated.

§ -2. Fire District Preserved.

The Tuxedo Joint Fire District, which is an existing fire district functioning pursuant to Town Law § 86 located within the newly created Town-Village of Tuxedo, shall continue to function in all respects whatsoever pursuant to Village Law § 17-1720(2) and (3). All officers and employees of such entity shall continue to hold their offices and exercise their powers and duties, as though such village were not incorporated.

Section 2. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 3. Supersession of Inconsistent Laws, if any.

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Town Law or other special law that

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

may be declared inconsistent or in conflict with this local law. The state law provisions that shall be, and hereby are, superseded include, but are not limited to, all of Article 16 of the Town Law, §§ 261 to 285 inclusive, all of Article 2 of the Village Law, including specifically Village Law § 2-254, and any other provision of law that the Town may supersede pursuant to the state Municipal Home Rule Law and the Constitution of the State of New York. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 4. Effective Date.

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

3. Resolution to approve the Quarry Field agreement with the Tuxedo Joint Fire District

WHEREAS, the Town is the owner of a parcel of clear flat land known as Quarry Field, tax map section ___ block ___ lot ___ in the Town of Tuxedo, and

WHEREAS, the TJFD requires the use of such land with locked gate access to safely conduct various forms of hands-on training of its volunteer firefighters; and

WHEREAS, the TJFD requires sufficient area to 1) place a 30' by 12' storage container; 2) store not more than five automobiles to practice cutting and extrication as well as suppression of vehicle fires; 3) allow multiple pumper, tanker and ladder trucks to assemble and connect hose for pumping and hose evolutions; 4) accumulate and store wood pallets; 5) to accommodate parking for up to ten cars during training exercise; and

WHEREAS, the Town wishes to permit the temporary use of its land for these firematic training purposes provided the land is used in an environmentally safe way, and the public health, safety and welfare is preserved.

NOW THEREFORE, in consideration of the TEN DOLLARS (\$10.00), and other good and valuable consideration, it is mutually agreed as follows:

1. The Town hereby grants to the TJFD a revocable license for the use of a portion of Quarry Field pursuant to the following terms and conditions.
2. The Town shall not be required to provide any work, labor or services or incur any costs or expenses in connection with TJFD's use of the property and all costs shall be borne by TJFD.
3. The license area is shown on the property designated by stakes and marked on the sketch annexed hereto as Schedule A.
4. Any gate installed by TJFD shall be locked and a key or lock combination provided to the Town Supervisor, Tuxedo Police, Superintendent of Highways and Building Inspector.

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

5. Only one storage container no larger than a 30' by 12' may be placed by TJFD on the premises. The site for the storage container shall be suitably improved to protect the property from environmental contamination prior to the placement of the container;
6. No more than five automobiles may be stored by TJFD on the property at any time. All such vehicles shall have previously been drained of all engine fluids by TJFD prior to placement on the site. The site for the placement of the vehicles shall be suitably improved to protect the property from environmental contamination
7. Fire trucks participating in training shall be properly maintained by TJFD so as not to leak or deposit engine fluids, oils or other chemicals onto the site;
8. No fire suppressants, foams or other chemicals which may leach into the soil may be used on the premises;
9. The area for the accumulation and storage wood pallets shall not be visible from the public streets, Quarry Field Park or residential homes adjoining the property.
10. The parking area shall be suitably improved and no larger than needed to accommodate parking for up to ten cars during training exercises.
11. Other than for deliveries, the premises shall not be used except in conjunction with scheduled training exercises;
12. If the site is used after dark, temporary lighting shall be shielded from adjoining public streets and from residential properties.
13. TJFD will have responsibility to maintain the property during the term of this Agreement. Maintenance includes, but is not limited to mowing and snow removal so as to provide its invitees access to the site in the winter.
14. The Town shall have the right to inspect the property at any time.
15. Term and Termination. This Agreement has an indefinite term, commencing upon execution by both parties, and terminating when either party elects to terminate by thirty days written notice to the other party.
16. Upon termination, TJFD shall restore the property to its pre-existing state by removing all materials & improvements it has placed on the property.
17. In the event that anyone sues the Town for matters arising out of the TJFD activities and use of the site, the TJFD shall hold the Town harmless from any costs, expenses and liabilities.
18. TJFD shall provide proof of insurance covering their activities on the site and naming the Town as an additional insured.
19. This writing constitutes the entire agreement between the parties as to the subject matter.
20. Amendments. This Agreement may be amended by written agreement subscribed by both parties.

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

The Supervisor declared this resolution adopted.

Regular Town Board Meeting
Town of Tuxedo
August 23, 2021

4. Resolution to approve speed radar trailers

Be it resolved that the Town Board agrees to purchase two speed radar trailers not to exceed \$26,000.00.

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

The Supervisor declared this resolution adopted

5. Resolution to enter into a Master Installment Purchase Agreement with Mercedes Benz Financial Services for Highway Dump Truck

Attorney Protter asked to review the full purchase agreement so this item was tabled

6. Petition of relief from the Building Moratorium Local Law – Watchtower Bible and Tract Society of New York, Inc.

Motion made by Supervisor English, seconded by Councilmember Reichgott,

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

The Supervisor declared this resolution adopted.

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

Other Business

1. Resolution to approve employment agreement

Be it resolved that the employment agreement with Dave Maikisch be updated to correspond to the terms of the agreement recently negotiated with Dave.

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

2. Resolution to Approve Surplus Vehicle Bids

Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Reichgott, that the Town of Tuxedo accepts the following bid awards for a total of \$13,825.00

- | | |
|----------------------------------|------------|
| 1. 1995 International dump truck | \$4,000.00 |
| 2. 2000 International dump truck | \$8,600.00 |
| 3. 2006 Chevy Silverado | \$1,225.00 |

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

Supervisor English is in receipt of the following monthly report:

- Police Department

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

DEPARTMENT UPDATES

- Robert Dollbaum, Highway Superintendent, said there is mulch, compost and rocks available at Quarry Field. His crew is currently patching roads around Town. The Watchtower group completed their work at the dirt pile on Long Meadow Rd. The repairs to the stairway at the Train Station by the commuter lot are complete. He thanked Shane Smith for his hard work on the presentation.
- Marisa Dollbaum, Town Clerk, ordered new signs from ParkMobile for the commuter parking lot. The signs will list three ways to pay for parking. Dog Control Officer, Michael Cardona, will soon have access to ParkMobile to help with parking enforcement. His cell phone and Town shirts have been ordered. She contacted Zoom to inquire about setting up the Community Room to host hybrid meetings. A presentation will be scheduled in the near future with a representative with Zoom.

Town Board Updates

- Councilmember Maria May has been doing research on how the American Rescue Plan Act funds can be used. The Town will receive more than expected since other areas chose not to claim funds.
- Supervisor English stated that he toured the Skyview Skylights business with Planning Board Chairman John Banyo. He recently met with Gardiner Hempel and Ed Brennan from the Fire Department to review the Quarry Field agreement. He began meeting with department heads in preparation for the annual budget submission. He congratulated Recreation Coordinator, Claire Dougher, and her staff for a successful summer camp. A candidate for a part-time Police Officer was interviewed and they are waiting results from a background check before proceeding with the hiring. He has been working with HES and Rob Dollbaum to find a beneficial use for the screened material from the dirt pile on Long Meadow Rd.
- Deputy Supervisor Michele Lindsay said the RFP for the Town Hall roof project will be ready next week. The Town was awarded \$100,000 from former Sen. Metzger and that money will go towards repairing the roof.
- Councilmember Jay Reichgott congratulated Tuxedo residents Chris Kasker and Chris Nunez for recently passing their Firefighter I Certification.

**Regular Town Board Meeting
Town of Tuxedo
August 23, 2021**

- Councilmember Dave McMillen worked on getting cable and internet service on Contractor’s Rd. Altice will deploy 5g starting in November for mobile and broadband service.

Minutes

RESOLVED, Motion made by Supervisor English, seconded by Councilmember McMillen to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on August 9th.

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

VOUCHERS

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

Claim numbers: 2012918838 through 2012918910

General Fund :	\$ 64,283.93
Part-Town Fund:	\$66,602.00
Highway Town Wide :	\$66,390.36
Highway Part Town	\$6,905.01
Refuse and Garbage	\$30,356.24
Hamlet Sewer District	\$4,683.50
Total Abstract Amount:	\$239,221.04

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

Regular Town Board Meeting
Town of Tuxedo
August 23, 2021

PUBLIC COMMENTS

- Resident Jerry Mottola has again noticed traffic getting backed up on Route 17 from Sloatsburg. He would like the Board to request Karl Brabenec or Mike Martucci, as well as a representative from the DOT to attend a meeting to discuss the issues.
- Resident Mike Squillini asked if it is a possibility to have a thruway exit at Route 210. He was told that the land surrounding that area now belongs to the Palisades Interstate Parkway Commission and it would be unlikely that they would allow that.
- Resident Irene Denaro was surprised to hear that the Police are not writing many tickets based on their submission of their monthly report. She was a member of the Police Reform Reinvention Committee and it was recommended that they start submitting their blotter to the local news publication, but has not been done yet.

ADJOURNMENT

RESOLVED, motion made by Supervisor English seconded by Councilmember McMillen, to adjourn the meeting at 9:05p.m.

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

Respectfully submitted,



Marisa Dollbaum
Town Clerk
Town of Tuxedo