

Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr., Tuxedo, NY 10987  
And via Zoom  
September 25, 2023

Supervisor English called to order the Town Board Meeting of September 25, 2023 at 7:06pm.

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
	Ms. Deirdre Murphy	Councilmember

Town Board Member Absent: None

**Recording Secretary:** Marisa Dollbaum Town Clerk

**Other Town Officials Present in person:**

Ms. Amy Levine, Town Attorney

**Continuation of Public Hearing – Short Term Rental Local Law**

A Public Hearing regarding introductory Local Law entitled “Short Term Rentals” was called to order by Supervisor English at 7:07pm.

Supervisor English explained the Building Department raised a question if short term rentals were allowed in July of 2022. Current Town Code does not allow short term rentals, so the Board worked on creating a draft Local Law to regulate short term rentals. The first Public Hearing was held on September 11, 2023, which allowed the Board to hear feedback from residents. At this point the Board plans on rescinding this draft and will continue to work on another draft that strengthens the Town’s current code and also addresses other issues with rentals.

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Supervisor English opened the floor for Public Comments:

- Barbara Vozza from Alma Court asked if the Town could adopt a Local Law similar to the Village of Tuxedo Park, which does not allow advertising a rental property. She stated Clarkstown and Orangetown banned short term rentals and the Town should look at their laws.
- Mary Hanson from Bramertown Road submitted a petition with fifty-nine signatures against allowing short term rentals. The petition is attached.
- Sharon Radulov from Susan Court had a presentation prepared to show the Board, but since the proposed draft will be rescinded, she will wait until a new draft is prepared. She provided a copy of Local Laws for the Board to review from Stony Point, Haverstraw, Blooming Grove and Clarkstown, where short-term rentals are not allowed.
- Resident William Lemanski read a written statement, which is attached.
- Kristy Apostolides from Fawn Hill Road currently has a neighbor operating a short term rental There hasn't been issues, however she supports the Board rescinding the current draft. She also suggests the Board hold workshops to have more community input when trying to come up with a draft local law.
- Anthony and Kristen McInerery from Woods Road are glad that the Board is withdrawing this version of the draft. They have other concerns in their neighborhood not related to short term rentals.
- Nicole Ramos from Benjamin Meadow Road said she signed the petition that Mary Hanson circulated that opposes short term rentals. She has used short term rentals in other areas, but they have been in a secluded setting.

Supervisor English addressed the question about why certain zones were chosen over others. He said they were selected due to setbacks and amount of acreage.

A full recording of the Public Hearing can be viewed on the Town's YouTube page:  
<https://www.youtube.com/watch?v=KvUf3ZTnC-w>

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**Close the Public Hearing**

Motion made by Supervisor English, seconded by Councilmember May all those desiring to be heard have been heard and declared the public hearing be closed at 8:04pm.

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

**Resolution to withdraw the introductory Local Law entitled “Short Term Rentals”**

Motion made by Deputy Supervisor Reichgott, seconded by Supervisor English to withdraw the introductory Local Law entitled “Short Term Rentals”.

On Roll Call Vote:

Supervisor English	Aye
Deputy Supervisor Reichgott	Aye
Councilmember Lindsay	Aye
Councilmember May	Aye
Councilmember Murphy	Aye

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

There were no public comments on the agenda items.

**Agenda Item #1 – Resolution to consider bid proposal for Ford F250**

Motion made by Supervisor English, seconded by Councilmember Reichgott that the Town Board of the Town of Tuxedo hereby accepts the bid proposal submitted by Healey Brothers Ford in the amount of \$68,626.50.

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

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**Agenda Item #2 -Resolution settling tax certiorari**

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 25th day of September, 2023;

WHEREAS, MARTIN FRIEDMAN, 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:

2021-22 tax assessment year bearing Index No. EF005239-2021

2022-23 tax assessment year bearing Index No. EF004063-2022

2023-24 tax assessment year bearing Index No. EF004671-2023

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, MARTIN FRIEDMAN is willing to settle this proceeding without interest, costs or disbursement, in the following manner:

- (1) That the proceeding for the 2021-22 tax year be compromised and settled by the assessment being reduced from \$243,200 to a total assessment of \$210,600 for a total reduction in assessment of \$32,600 for tax map no. 106-1-45;
- (2) That the proceeding for the 2022-23 tax year be compromised and settled by there being no reduction in the assessment of \$243,200 for tax map no. 106-1-45;
- (3) That the proceeding for the 2023-24 tax year be compromised and settled by the assessment being reduced from \$243,200 to a total assessment of \$210,600 for a total reduction in assessment of \$32,600 for tax map no. 106-1-45.

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(4) That the Petitioner’s real property taxes on said parcel above described for the 2021-22 and 2023-24 School taxes and for the 2021 and 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 \$210,600 with the provisions of Real Property Tax Law §727 to apply.

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 Deputy Supervisor Reichgott, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

**Agenda Item #3 - Resolution to authorize J&G Law for 2023-2024 tax certiorari proceedings**

WHEREAS, the following tax certiorari proceedings have been commenced against the Town of Tuxedo to contest the 2023-24 assessment roll:

<u>Name</u>	<u>Index No.</u>
LR Tuxedo Development Group, LLC	EF004603-2023
Martin Friedman	EF004671-2023

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Tuxedo, Orange County, New York, that the law firm of J&G Law, LLP, is hereby authorized to defend the Town in the above-mentioned cases.

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

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**Agenda Item #4 - Resolution to authorize J&G Law to draft request for proposal (RFP) for companies to provide fuel to Town of Tuxedo**

Motion made by Deputy Supervisor Reichgott and seconded by Supervisor English, to authorize J&G Law to draft a request for proposal (RFP) for companies to provide fuel to Town of Tuxedo.

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

**Agenda Item #5 - Resolution to introduce Local Law and schedule Public Hearing to increase tax cap**

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

BE IT RESOLVED that an introductory Local Law, entitled “Tax Levy Limit Override 2024 Fiscal Year” 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, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, Tuxedo, New York, at 7:00 PM on October 23, 2023, 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 Supervisor English, seconded by Councilmember Murphy, the resolution was adopted on a vote of 5 Ayes 0 Nays.

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**Agenda Item #6 - Resolution to approve Town Investment Policy**

This agenda item was tabled.

**Other Business:**

Beginner Pickleball Clinic at Tichy Field

Motion made by Supervisor English and seconded by Councilmember May to approve Recreation Director, Kathleen Rooney-Metcalf, to host a Pickleball Clinic on October 14, 2023 and allow up to an additional five hours to her work week. The expenses are \$150.00 for the instructor and \$250.00 for equipment. Each participant will be charged a \$25.00 fee, with a limit of fifteen players.

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

**DISCUSSION ITEMS**

1. ATM placed at Train Station

Deputy Supervisor Reichgott proposed placing an ATM at the Tuxedo Train Station. It could be placed next to the door of the waiting room where there is a large overhang. He will ask the company he spoke with to provide a proposal that he will share with the Board at the next meeting.

**MINUTES**

Motion made by Supervisor English, seconded by Councilmember May to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on September 11, 2023.

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

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**VOUCHERS**

Below are the vouchers totaling \$5000 or greater:

2012922132	American Petroleum Equipment	\$7,218.96	Parts, Labor, Electrical for On-site Diesel - Rock Pile
2012922135	Traffic Safety Service, LLC	\$11,962.70	Radar Signs and parts
2012922147	NYSIF	\$5,747.95	Workers Comp- Sept 2023
2012922149	Benistar	\$5,354.14	Retiree Medical Benefits- Oct 2023
2012922148	J.S. Braddock Agency	\$61,781.00	Business Auto/Profl Liability Quarterly Installment
2012922150	Office of the State Comptroller	\$19,400.00	Court Fines & Fees
2012922152	IWS of New York	\$31,507.79	Town Garbage & Recycling August 2023
2012922154	Fusco Engineering	\$28,000.00	Code Enforcement Jul/Aug
2012922164	Town of Tuxedo	\$5,965.02	PD Fuel July/August
2012922165	Town of Tuxedo	\$14,667.61	Highway Fuel July/August
2012922175	H.O. Penn Machinery Co Inc	\$19,383.26	Bulldozer Rental 7/11-8/8/23
2012922177	Global Montello Group	\$5,409.83	Fuel Delivery #1/2 Sept
2012922184	MVP Healthcare	\$5,661.24	Oct 2023 Town Hall & Elected Health Insurance
2012922186	Cooper Arias LLP	\$14,875.00	Pmt #2/2- Annual Town Audit
2012922192	H2O Innovation	\$7,039.90	Monthly Maintenance Fees & Lab Testing
2012922209	IBEW Local 363	\$13,440.00	Highway Health September 2023
2012922211	J&G Law	\$13,772.31	Aug Legal Services
2012922213	Michael Squillini	\$8,000.00	Operator- Heavy Equipment Dirt Pile

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



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Claim numbers: 2012922132 through 2012922213

General Fund:	\$193,310.78
Part-Town Fund:	\$57,017.34
Highway Town Wide:	\$13,848.50
Highway Part Town	\$24,409.62
Hamlet Sewer District	\$7,721.90
Refuse and Garbage Disposal	\$31,507.79
Trust and Agency	\$410.00
<u>Total Abstract Amount:</u>	\$328,225.93

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

**PUBLIC COMMENTS**

Jerry Mottola said the Building Department could not find any records for his home on microfilm. He asked if he could get a letter for his file to state he

**DEPARTMENT UPDATES:**

Marisa Dollbaum, Town Clerk, said the Board of Elections posted early voting dates, times and locations, which begins Saturday, October 28<sup>th</sup>. The closest locations to us are Monroe Town Hall and the Senior Warwick Center. The next Town Board meeting is on Wednesday, October 11<sup>th</sup> in observance of Columbus Day. IWS will remain on a normal pick up schedule for Town residents for the week of October 11<sup>th</sup>.

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**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Councilmember May announced the TUFSD Carnival is on September 25<sup>th</sup>.
- Supervisor English said the Town will receive a grant for \$3,333.00 to use towards purchasing body armor for the Police Department.
- Deputy Supervisor Reichgott said the next Tuxedo Farms LDC (Sewer) meeting is on Monday, October 2<sup>nd</sup> at 4:00pm.
- Councilmember Lindsay met with the Community Choice Aggregation administrator and learned the market is not advantageous for renewable energy at this time. They plan on putting together an RFP to move forward anyway.
- Councilmember Murphy provided workbooks to all of the Board members in preparation for the workshop scheduled on Monday, October 2<sup>nd</sup> at 7:00pm.

**ADJOURNMENT**

Motion made by Supervisor English and seconded by Councilmember May to adjourn the meeting at 9:04pm.

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

Respectfully submitted,

*Marisa Dollbaum*

Marisa Dollbaum  
Town Clerk  
Town of Tuxedo