

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

Supervisor English called to order the Town Board Meeting of December 12, 2022 at 7:05pm.

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:**

Mr. Robert Dollbaum, Highway Superintendent

**Other Town Officials Present via Zoom:**

Mr. Howard Protter, Town Attorney; Mr. Frank Peverly, Zoning Board Chairman

**Public Comments on Agenda Items**

There were no public comments.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

**Agenda Item #1**

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

BE IT RESOLVED that an introductory Local Law, entitled, “**ESTABLISHING AN ESCROW POLICY AND ITS ADMINISTRATION**” 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, One Temple Drive, Tuxedo, New York at 7:00 P.M. on December 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 ten (10) 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.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

**INTRODUCTORY LOCAL LAW  
ESTABLISHING AN ESCROW POLICY AND ITS ADMINISTRATION**

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

**Section 1.** Chapter 48 of the Code of the Town of Tuxedo, entitled “Fees,” is hereby amended to add a new section 48-7 and 48-8 which shall read as follows:

**Section 48-7.** As set forth in this Chapter 48, the applicant for approval of any land use or land development proposal reviewable by the Planning Board, the Zoning Board, or the Town Board, shall reimburse the Town for the reasonable and necessary engineering, legal and planning fees and expenses incurred by the Town in connection with the review and/or approval of the application.

- A. The Town has implemented an escrow policy for the purpose of reimbursing our Town Consultants for review of projects before the Town Board, the Planning and Zoning Boards. These Consultants include the Attorney, Engineer, Planner, and any Special Consultants the applicable Board may deem necessary. All consultant fees associated with the review of an application are reimbursable regardless of whether or not the project is approved by the Board or pursued by the applicant. Reimbursement of the Town's consultant expenses shall be made in accordance with this chapter.
- B. The Town Board shall establish the initial escrow amounts for the following categories of applications by resolution at its annual reorganization meeting or such other time as necessary.
  - a. Application for private, single family residence and two lot subdivision or boundary line change.
  - b. commercial projects/major subdivisions and large residential developments.
  - c. Zoning Board single family residential area variance
  - d. commercial site plan projects/major subdivisions and larger residential developments.
  - e. Use variances.
  - f. Zoning Board interpretations.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

- g. Applications to the Town Board for zoning law changes or Open Area Developments under the Town Law
- C. Initial planning and zoning review escrow deposits shall be delivered to the Town Building Department Clerk as part of the original application submission.
- a. If, upon initial review of the application, it is determined that the project would need professional consultation that would exceed the initial escrow deposit, the applicant will be advised, and additional escrowed funds may be required. The applicant shall then provide any additional funds to the Town for deposit into such account in the amount to be determined by the reviewing Board based on its evaluation of the nature and complexity of the application.
- D. No review shall be undertaken by the consultants on any matter scheduled before the Town Board, Planning Board or Zoning Board until the initial fee and escrow deposit as set forth herein is paid.
- E. If the escrow account falls below 25% of the initial deposit, the applicant shall, unless the requirement is waived by the Chairman, pay additional funds into the escrow account to maintain that account at 25% of the initial deposit. If such account is not replenished within Ten (10) days after the applicant is notified in writing of the requirement for such additional deposit, the applicable Board may suspend its review of the application until the escrow is replenished.
- F. In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds in the applicant's account shall be either remitted to the applicant when reimbursement has been completed and within 60 days of final action by the Planning Board or, if so directed by the applicant, shall remain on deposit as the applicant's initial payment toward post-approval inspection requirements, if any.
- G. The applicant shall remain responsible to reimburse the Town its costs and expenses in reviewing the applicant's land use application notwithstanding that the escrow account may be insufficient to cover such costs and expenses.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

- H. In the event that the Town Board, Planning Board or Zoning Board, in the course of reviewing an application, determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the Board for the review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8 (a). Such costs shall be covered by an escrow account to be established pursuant to this section within fifteen (15) days of issuance of said positive declaration, or such period as the respective Board shall otherwise establish, in an amount to be set by the Board.
- I. All applicants with matters pending before the Town Board, Planning Board and Zoning Board as of the effective date of this chapter shall be required to comply with the new fees and escrow account maintenance provisions contained herein.
- J. In cases when the complexity of an application (or lack thereof) or unusual circumstances surrounding the matter require that the initial fee or the percentage of that initial fee to be maintained in escrow be modified, the reviewing Board is authorized to grant such modification within the following guidelines:
  - a. The amount of any initial fee modification shall be reasonably related to the cost's attendant to the Town's review of the application.
  - b. The amount of any escrow maintenance percentage shall be reasonably related to the complexity of the project as well as the stage to which the project has progressed as of the time of modification.
- K. Each of the Town's engineering, legal and/or planning consultants who render services pertaining to a land use or development application shall submit monthly itemized vouchers to the Town Board reasonably setting forth the services performed, and amounts charged for such services.
- L. Copies of said itemized vouchers shall be promptly transmitted to the applicant upon the Town Board's receipt, together with a notice notifying the applicant that the failure to object to payment of the amount of the charges contained in said itemized voucher out of escrow funds within fifteen (15) days of the sending of said notice shall constitute an agreement by the applicant as to the reasonableness of the charges.
- M. The reviewing Board (as appropriate) shall review copies of the vouchers for services rendered to each and shall communicate its approval of same to the Town Board.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

- a. The Town Board shall review and audit all such vouchers and shall determine, in its discretion, the engineering, legal and planning fees which are reasonable in amount and necessarily incurred by the Town in connection with the review and/or approval of the land use or development application.
  - b. A fee or expense or part thereof is reasonable in amount if it bears a reasonable relationship to the customary fee charged by engineers, attorneys, or planners within the region for services performed on behalf of applicants or reviewing boards in connection with applications for land use or development.
  - c. The Town Board may also consider any special conditions for considerations as the Town Board may deem relevant.
  - d. A fee and expense or part thereof is necessarily incurred if it was charged by the engineer, attorney or planner for a service which was rendered in order to assist in the protection or promotion of the health, safety or welfare of the Town or its residents; to assist in the protection of public or private property or the environment from potential damage that otherwise may be caused by the proposed land use or development; to assure or assist in compliance with laws, regulations, standards or codes which govern land use and development; to assure or assist in the orderly development and sound planning of a land use or development; to assure the proper and timely construction of public improvements, parks and other facilities which affect the public welfare; to protect the legal interests of the Town; to avoid claims against and liability of the Town; or to promote such other interests that the Town Board may specify as relevant.
- N. After review and audit of such voucher by the Town Board, that Board shall authorize payment of same and shall provide to the applicant a copy of the voucher as audited. The Town Board shall also be responsible for auditing the vouchers submitted to it by the Town consultants for land use approvals which it must approve, including but not limited to zoning law changes and open development area approvals under the Town Law. The provisions of Subsection **K** of this section shall apply to professional and consulting reviews undertaken on behalf of the Town relating to any approval to be considered by the Town Board.
- O. The Planning Board and Zoning Board are hereby authorized, at the time of action on any project, to make payment of any amount then overdue or likely to be later incurred

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

a condition of approval. No plat or plans will be signed, and no building permit or other permit shall be issued until such time as all reimbursement of costs and expenses, determined by the Town Board to be due, have been fully paid.

- P. Amounts paid pursuant to this chapter shall be placed in a trust and agency liability account to fund expenses incurred by the Town in processing the application as provided for in Subsection A, above. The Town shall keep a record of the name of the applicant and project and of all such monies deposited and withdrawn. Monthly vouchers submitted by the Town's engineer, attorney, and/or planner shall be reviewed and audited by the Town Board and provided to the applicant, and the applicant may appeal said audit amount as provided herein.
- Q. All fee and expense reimbursement payments are due and payable within 15 days after delivery of a copy of an itemized voucher to the applicant as provided for in Subsection K, above. Interest shall accrue on any unpaid itemized voucher at the rate of 9% per annum. The pursuance of an appeal under § 48-8 shall not affect the obligation to pay interest on any unpaid balance ultimately determined to be due.

**§ 48-8 Appeals.**

An applicant may appeal, in writing, to the Town Board for a reduction in the required reimbursement amount. An appeal must be filed with the Town Board no later than fifteen (15) days after mailing or other delivery to the applicant of the contested voucher. Upon such appeal, the Town Board, in its discretion, may determine that an applicant is not required to reimburse the Town for that part of an engineering, legal or planning fee incurred by the Town for services performed in connection with an application matter for which the Town Board determines the applicant bears no responsibility and which was beyond the reasonable control of the applicant. The Town Board's determination shall be in writing and shall be made no later than forty-five (45) days after receipt of the applicant's appeal.

Section 2. This local law shall take effect upon filing with the Secretary of State.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

**Agenda Item #2**

Resolution Approving Towing License Permits for 2023

RESOLVED, On a motion made by Supervisor English seconded by Councilmember May, that the Applications for Towing Licenses submitted by the following business, having received approval of Detective Stefan Christian, are hereby approved beginning January 1, 2023 through December 31, 2023.

NJV Auto Center, Inc. Sloatsburg, NY (\$500.00 fee paid)  
Apple Auto Body, Monroe, NY (\$500.00 fee paid)  
Loyal Tire and Auto, Monroe, NY (\$500.00 fee paid)  
Itzy's Collision, Southfields, NY (\$500.00 fee paid)  
Freeman's Auto Service, Harriman, NY (\$500.00 fee paid)

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

**Department Updates:**

- Marisa Dollbaum, Town Clerk, announced the Menorah Lighting on December 22<sup>nd</sup> at the Tuxedo Train Station. She said the Highway Department is accepting used electronics for recycling, but they are not accepting televisions of any kind. The 2023 Town/County tax bills are in the process of being printed by the County. Payments will be accepted beginning December 28<sup>th</sup> and she gave a reminder that payments are accepted at Town Hall and online.



**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

- Robert Dollbaum, Highway Superintendent, said his department was busy plowing and clearing the roads. They will continue to pick up leaves until December 15<sup>th</sup> with the machine. After that leaves have to be placed in bags.

**MONTHLY REPORTS**

Supervisor English is in receipt of the following monthly reports:

- Justice Court
- Town Clerk

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Supervisor English said that interviews for full time Police Officer candidates are scheduled for Wednesday, December 13<sup>th</sup>. He met with Highway Superintendent Dollbaum and Town Engineer, Sean Hoffman, to discuss the repairs that are needed at the train station. The project will go out to bid through the RFP process. There will be a Tuxedo LDC meeting on January 17<sup>th</sup> to discuss the process for the grant application process.
- Deputy Supervisor Lindsay said the Town is now in the public outreach and education phase of the Community Choice Aggregation program. The CCA Administrator, Joule Energy, is leading the presentations and outreach with help from Marisa Dollbaum and the Climate Smart Task Force. Upcoming meetings will be held in January and February and will be posted on the website and on social media and Photo News at Joule's expense. She also reported that on November 30<sup>th</sup> a Countywide meeting of Climate Smart and Conservation Advisory Committees met with the Orange County Planning Department. Projects and goals of each municipality were shared.

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

- Councilmember May continues to work on finding projects that will qualify use of ARPA money.
  
- Councilmember Murphy gave a reminder about the upcoming holiday concert on December 17<sup>th</sup>. She noted that the time changed to 4:30pm. The concert and reception will be held at St. Mary’s Church. She received a letter from NYSDOT denying her request to lower the speed limit on Long Meadow Rd. She also received the requested letter from the TUFSD in support of establishing a School Zone on Route 17. The letter will be forwarded to NYSDOT along with the resolution that was passed by the board. She met with representatives from the Orange County Partnership with Deputy Supervisor Lindsay to show them Town owned properties which are available to be developed. She also wrote a press release on Tuxedo Farms and sent it to Related for their approval prior to releasing it to local press.

**MINUTES**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on November 28, 2022.

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

**VOUCHERS**

RESOLVED, On a 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:

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

Claim numbers: 2012920884 through 2012920945

General Fund:	\$124,689.71
Part-Town Fund:	\$281,603.28
Highway Town Wide:	\$139,574.54
Highway Part Town	\$1,297.93
Hamlet Sewer District	\$0
Refuse and Garbage Disposal	\$0
Trust and Agency	\$405.00
<b>Total Abstract Amount:</b>	<b>\$547,570.46</b>

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

**PUBLIC COMMENTS**

- Jerry Mottola thanked Rob Dollbaum and the Highway Department for help with hanging lights at train station.

**OTHER BUSINESS**

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott, that the Town Board of the Town of Tuxedo hereby authorizes Town Engineer, Sean Hoffman, to put together a bid package with specifications outlined in his email dated December 9, 2023.

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

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr. , Tuxedo, NY 10987  
And via WebEx  
December 12, 2022**

**EXECUTIVE SESSION**

Supervisor English made a motion and Councilmember Murphy seconded to enter into an Executive Session pursuant to Public Officers Law for the purposes of discussing employee salaries.

Supervisor English made a motion and Councilmember Reichgott seconded to re-enter the public meeting at 9:55pm. No action was taken.

**ADJOURNMENT**

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, to adjourn the meeting at 9:56pm.

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

Respectfully submitted,



Marisa Dollbaum  
Town Clerk  
Town of Tuxedo