

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

Supervisor English called to order the Town Board Meeting of December 28, 2022 at 6:30pm.

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

Town Board Member Absent: none

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Robert Dollbaum, Highway Superintendent; Police Chief, John Trazino

Other Town Officials Present via Zoom:

Mr. Howard Protter, Town Attorney

Executive Session to hold applicant interview

Supervisor English made a motion to enter executive session for an applicant interview at 6:31pm.

Supervisor English made a motion and Councilmember May seconded to enter the public meeting at 7:03pm.

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

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

Public Comments on Agenda Items

There were no comments.

Open Public Hearing

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott to open the public hearing on Introductory Local Law Establishing an Escrow Policy and Its Administration at 7:07pm.

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

**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

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

- 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 requiring Board review, and/or 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.
 - 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.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

- 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.
- 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.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

- 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.
 - 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

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

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 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.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

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.

Public Comments

There were no public comments.

Close Public Hearing

RESOLVED, motion made by Councilmember Reichgott, seconded by Councilmember May, that all persons desiring to be heard, having been heard, the Public Hearing regarding Introductory Local Law entitled "Establishing an Escrow Policy and Its Administration" be closed at 7:10pm.

ON ROLL-CALL VOTE;	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 28, 2022**

Agenda Item #1

Resolution to appoint full time Police Officer

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May, that the Town Board of the Town of Tuxedo hereby appoints Tia Frunzi as a full-time Police Officer.

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

Agenda Item #2

Resolution to approve equipment purchase for Police Department

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May that the Town Board of the Town of Tuxedo hereby approves the purchase of Glock hand guns for the Police Department for a cost of up to \$8,600.00 as per the quote received from Amchar Wholesale Inc. dated November 28, 2022.

ON ROLL-CALL VOTE;	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 28, 2022**

Agenda Item #3

Resolution to approve 2023 Warwick Humane Society Contract

RESOLVED, On a motion made by Supervisor English, seconded by Councilmember Reichgott, that the Town Board of the Town of Tuxedo hereby authorizes to enter into an agreement with the Warwick Valley Humane Society for animal control services for the period January 1, 2023 through December 31, 2023.

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

Agenda Item #4

Resolution to approve 2023 Refuse Permits

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, that the Applications for Refuse Collection Licenses submitted by the following Companies is hereby approved through December 31, 2023:

IWS (29 trucks x \$200.00 = \$5,800.00)
Sterling Carting (4 trucks x \$200.00 = \$800.00)

ON ROLL-CALL VOTE;	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 28, 2022**

Agenda Item #5

Resolution of Adoption

Introduced by: Councilmember Reichgott

Seconded by: Councilmember May

WHEREAS, an introductory Local Law entitled "**ESTABLISHING AN ESCROW POLICY AND ITS ADMINISTRATION**" was introduced before the Town Board of the Town of Tuxedo on December 12, 2022, and upon notice duly published and posted, a hearing was held on December 28, 2022, 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 "**ESTABLISHING AN ESCROW POLICY AND ITS ADMINISTRATION**" is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled "**ESTABLISHING AN ESCROW POLICY AND ITS ADMINISTRATION**" of the Town of Tuxedo be and hereby is adopted as Local Law #8 of the Town of Tuxedo on December 28, 2022.

Upon Roll Call Vote:

Supervisor	Aye	Councilperson	Aye
Councilperson	Aye	Councilperson	Aye
Councilperson	Aye		

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

Department Updates:

- Robert Dollbaum, Highway Superintendent, said his department will circulate through Town to pick up discarded Christmas trees, which will be used for the bonfire. Tree trimming will resume and they will begin on Warwick Brook Rd.
- Marisa Dollbaum, Town Clerk, gave a reminder that garbage pickup service for Town residents will be pushed back by one day in observance of New Years. Garbage will be picked up on Tuesday, January 3rd and garbage and recycling on Friday, January 6th. She said the 2023 Town/County tax bills are due by January 31st without penalty. There is an option to pay online.

TOWN SUPERVISOR/TOWN BOARD UPDATE:

- Supervisor English said he worked on the recruitment and hiring of the full time Police Officer. The board interviewed a candidate for a vacancy on the Planning Board. He gave a reminder that the next Town Board meeting is Monday, January 9th. The Tuxedo LDC will hold an informational session on January 17th at 6:30pm to go over the grant application process for businesses located in the Town Center (aka Hamlet).
- Deputy Supervisor Lindsay said the Community Choice Aggregation is in the public outreach phase. There will be two CCA presentations scheduled at the Tuxedo Library in February and the dates will be announced at a later time. There will also be CCA presentations at a Climate Smart Task Force meeting, the Woodlands development and at a Tuxedo Silver Dollars meeting.
- Councilmember May inspected the sidewalks along Route 17 to potentially use the remaining ARPA funds on. She took pictures of both sides and noted damage.
- Councilmember Reichgott wished everyone a happy new year.
- Councilmember Murphy reported that the Holiday concert on December 17th was a success. There were about 75 attendees and they raised over \$700.00 in donations for the Sloatsburg Food Pantry.

**Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr. , Tuxedo, NY 10987
And via WebEx
December 28, 2022**

MINUTES

RESOLVED, On a motion made by Councilmember Reichgott, seconded by Supervisor English, to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on December 12, 2022.

ON ROLL-CALL VOTE; 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 Councilmember May, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012920946 through 2012921006

General Fund:	\$59,663.80
Part-Town Fund:	\$57,640.99
Highway Town Wide:	\$23,743.11
Highway Part Town	\$572.81
Hamlet Sewer District	\$6,238.71
Refuse and Garbage Disposal	\$31,689.81
Trust and Agency	\$6,735.75
Total Abstract Amount:	\$186,284.98

ON ROLL-CALL VOTE; 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 28, 2022**

PUBLIC COMMENTS

There were no public comments.

EXECUTIVE SESSION

RESOLVED, Supervisor English made a motion to enter into an Executive Session to discuss a Planning Board applicant interview at 8:26pm.

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

RESOLVED, Councilmember Reichgott made a motion and Supervisor English seconded to re-enter the public meeting at 8:31pm.

ON ROLL-CALL VOTE;	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 28, 2022**

Resolution to appoint Planning Board member for a five-year term commencing January 1, 2023

RESOLVED, Motion made by Supervisor English, seconded by Councilmember May, that the Town Board of the Town of Tuxedo hereby appoints Susan Reif as a Planning Board member commencing January 1, 2023 through December 31, 2027.

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

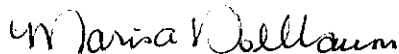
Supervisor English thanked Kristy Apostolides for her time served as a Planning Board member.

ADJOURNMENT

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott, to adjourn the meeting at 8:34pm.

ON ROLL-CALL VOTE;	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