

**CALL TO ORDER/PLEDGE
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Call to Order

_____ called to order the Town Board Meeting of June 14, 2021 at _____ p.m.

Pledge of Allegiance to the Flag

Please rise and join me in reciting the Pledge of Allegiance.

**Public Comments on Agenda Items
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Public Comments on Agenda Items

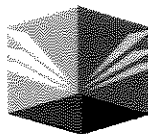
**Agenda Item #1
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Resolution approving Form of Petition for the Proposition to Increase Town Board Budgetary Allocation for the Tuxedo Park Library

RESOLVED, motion made by _____ seconded by _____, that the Library may circulate a form of petition for the Proposition to Increase Town Board Budgetary Allocation for the Tuxedo Park Library.

ON ROLL-CALL VOTE:

Councilmember David McMillen	_____
Councilmember Maria May	_____
Councilmember Jay Reichgott	_____
Deputy Supervisor Michelle Lindsay	_____
Supervisor Kenneth English	_____



Tuxedo Park
LIBRARY

Come In. Connect.

June 2, 2021

Ms. Marisa Dollbaum
Tuxedo Town Clerk
1 Temple Drive
Tuxedo, NY 10987

Ms. Dollbaum,

Attached is a blank example of the petition for the Proposition to Increase Town Board Budgetary Allocation for the Tuxedo Park Library, for approval by the Tuxedo Town Board at the next regular meeting. Upon approval, we will collect the necessary signatures from eligible residents so that we can put a budget proposition on the ballot for the next general election on November 2, 2021. Signed petitions will be delivered to your office in mid-July.

As always, many thanks for your assistance. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Loomis". The ink is dark and the signature is fluid and connected.

Diane Loomis
Library Director

TO THE TOWN BOARD OF THE TOWN OF TUXEDO IN THE COUNTY OF ORANGE.

PROPOSITION TO INCREASE TOWN BOARD BUDGETARY ALLOCATION FOR TUXEDO PARK LIBRARY

I, the undersigned, do hereby state that I am a registered voter of the TOWN OF TUXEDO, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby petition that the following question be placed upon the ballot and voted on at the next general election of the TOWN OF TUXEDO:

SHALL THE ANNUAL CONTRIBUTION OF THE TOWN OF TUXEDO FOR THE OPERATING BUDGET OF THE TUXEDO PARK LIBRARY BE INCREASED BY (X) DOLLARS TO THE SUM OF (X) DOLLARS ANNUALLY.

<u>Date</u>	<u>Signature</u>	<u>Residence Address</u>	<u>Town</u>
1.			Tuxedo
2.			Tuxedo
3.			Tuxedo
4.			Tuxedo
5.			Tuxedo
6.			Tuxedo
7.			Tuxedo
8.			Tuxedo
9.			Tuxedo
10.			Tuxedo
11.			Tuxedo
12.			Tuxedo
13.			Tuxedo
14.			Tuxedo

I, _____ state: I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition. I now reside at _____ which is in the _____ of the _____ in the _____

Instructions for Circulating Petitions

Please read these instructions carefully **BEFORE** getting signatures. If these rules are adhered to, we will be able to retain all signatures.

1. Person should both sign and print their name. Signatures must be legible. Full names must be used **(no initials)**.
2. Full date including year must be entered in box on far left. **(Example: 5/12/2006)**
3. Make sure person signing is a Town of Tuxedo resident who is a registered voter.
4. Make sure person uses full street address. **P.O. Box is not acceptable.**
5. Person signing should be asked if this is the only such petition he/she is signing.
6. **IMPORTANT:** The person witnessing a petition cannot sign their own petition. They should sign someone else's.

7. Sample of how to fill in witness statement:

I, **Name of witness**, state: I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition. I now reside at **RESIDENCE ADDRESS AND POST OFFICE ADDRESS (IF NOT IDENTICAL)** which is in the **ELECTION DISTRICT (fill in district,)** of the **97th Assembly District** in the **TOWN OF TUXEDO** in the County of Orange

8. The number of signatures collected should go in the next statement on the blank line.
9. Please number the pages as you have used them. Bottom right hand corner of sheet.

**Agenda Item #2
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

2. Petition of relief from the Building Moratorium Local Law – Vishal Taneja

Motion made by Supervisor English, seconded by Councilmember Reichgott to grant to Vishal Taneja, a non-transferable exception to the present land use moratorium imposed by Local Law 3 of 2020, allowing it to proceed before the Planning Board with its present proposed plan for a commercial improvement of the Tuxedo Gulf Gas Station located at 191 NY-17, Tuxedo, New York. This Local Law 3 Section 3(A)(3) exception is based upon a determination that the plan as proposed is consistent with the Town’s Comprehensive Plan and zoning requirements. This exception, to remain consistent with the Town’s Comprehensive Plan and zoning requirements, is specifically contingent upon (i) the architecture of the plan being complementary to the historical buildings in the Hamlet Business Zoning District, (ii) site plan conditions mitigating the impacts of lighting and gasoline odors to neighboring residential properties, and (iii) addressing the increased traffic and vehicle circulation on the site that will necessarily accompany an expanded utilization of the site as proposed.

ON ROLL-CALL VOTE:

Councilmember David McMillen	_____
Councilmember Maria May	_____
Councilmember Jay Reichgott	_____
Deputy Supervisor Michelle Lindsay	_____
Supervisor Kenneth English	_____

Agenda Item #2

June 7, 2021

Vishal Taneja
3 Amanda Ct
White Plains, NY 10607
914-584-0536

Tuxedo Gulf - Improvement Plans

To Whom It May Concern,

On April 12th, we were granted moratorium relief for the Tuxedo Gulf located at 191 NY-17, Tuxedo Park, NY 10987. During a TAC meeting on 5/25/21, town Engineer Sean Hoffman requested for us to go back to the town board due to a slight update to the original proposal that was submitted.

In addition to the proposal we submitted, we have added a small manager's office (330 sq feet) on top of the cstore. This small manager's office will not be rented and will solely be used by the owner and manager of the c-store. Critical equipment like security cameras and internet hardware will be contained here, in addition to required regulatory information from local agencies.

Below is the original proposal which remains the same except the slight addition of a managers office.

It is with great passion and excitement that I put forth the requested improvements plans for the Tuxedo Gulf located at 191 NY-17, Tuxedo Park, NY 10987.

Myself and my family (my sister and father) have been in the gasoline and convenience store industry for the last 20 years and are excited to bring our expertise, operational excellence, and exemplary customer service reputation to the town of Tuxedo on this exciting new endeavor.

As many of you know, SOS Fuels has already requested and received a moratorium relief petition and it is with great pride for our family to have the opportunity to help bring this project to life with their support. Over the past year we have been in constant communication with both SOS and the Sovak Family and are excited to be given the opportunity to help develop this project. SOS will remain the fuel supplier for the site and a strategic partner while we run the daily operations of the site.

As presented before by SOS Fuels, and attached again for reference, our plans for improvement on this project do not deviate from what was originally planned. As intended, our plan is to develop the site that preserves both the town's aesthetic and historical significance, while being flexible and providing an holistic approach that is economically sustainable.

Agenda Item #2

Our intention is to ensure the aesthetic of the structure matches the level of craftsmanship and quality that is showcased throughout the town. We plan to use inspiration from the Tuxedo Train Station, High School, Steve's Pizza and others to build an inviting environment and structure.

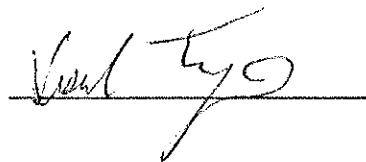
For the site layout, we expect ample parking space to accommodate a 4,200 SF building with a combined convenience market store with a food and beverage offering. This building will offer ample benefits to both members of the community and their visitors.

For updating the fuel islands and visitor experience at the site there is a requirement to replace fuel dispensers to be compliant with EMV standards by April 2021. It is with this requirement that we intend to upgrade the motor court with ground-breaking technology. The layout of the fuel islands and canopy will be updated to enhance safety on the site, comply with ADA standards and provide store-front parking to keep motorists and pedestrian paths separate.

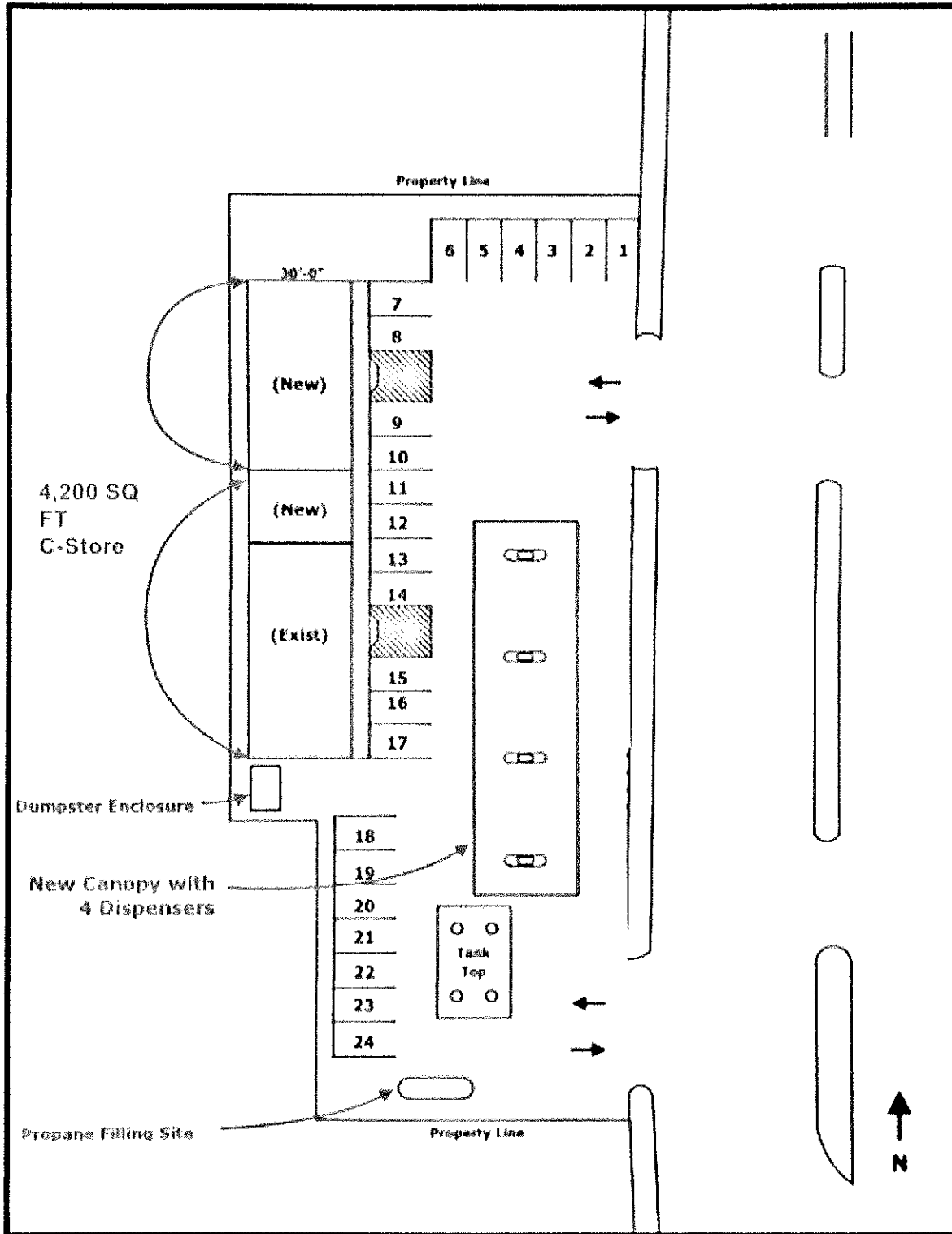
Additionally we are excited to bring green and clean energy initiatives to this site potentially with options such as Solar Panels and Electric Charging Stations that will also build a sustainable future.

I thank you for the opportunity to discuss this exciting project with the members of the community and partnering with SOS fuels to bring an exciting new development to the Town of Tuxedo.

Vishal Taneja

A handwritten signature in black ink, appearing to read "Vishal Taneja", is written over a horizontal line.

High Level Proposal



PETITION TO THE TOWN BOARD OF THE TOWN OF TUXEDO
FOR RELIEF FROM THE BUILDING MORATORIUM LOCAL LAW

Applicant: Vishal Taneja

Property location: 191 NY-17, Tuxedo Park, NY 10987 ; SBL: Section 12; Block 2; Lot 42

Proposed action:

Redevelop this site to maintain the existing use of a self service gas fueling station with new uses to allow for a convenience market store with a food and beverage retail offering. The expansion of the existing structure will match an aesthetic that is consistent with the Town of Tuxedo.

Land use approvals required: Additional uses - Convenience Market Store with Food and Beverage Retail Offering

List any exception enumerated in Section 3 of the Moratorium Law that you believe is applicable and the reasons therefore:

Approval of a commercial development which the Town Board has determined, on a case by case basis, to conform with both the comprehensive plan proposals as well as the current zoning. The current use of a gas station shall remain and an additional use of a convenience market store with a food and beverage retail offering.

The basis for seeking relief from the Town Board (see section 4 of the Moratorium Law):

The current use of the property as a mechanic shop is economically unsustainable in the effort to acquire the location from the current owner. The adoption of a convenience market store use with a food and beverage retail offering will provide the means to invest into the property for the new uses with the proper building and aesthetic. The building will also have a small managers office located above the c-store.

Town of Tuxedo
1 Temple Drive
Tuxedo, NY 10987

Owner's Consent Affidavit

File #: _____

Section: 12 Block: 2 Lot: 42

Project Type: Tuxedo GOLF STATION

Name of Fee Owner: Greg P. SOVAK

Address: 191 Rt 17

Tuxedo Park NY 10987
City State Zip

Telephone #: 845-351-2676

Name of Applicant: VISHAL TANESHA

Address: 3 Amanda CT

White Plains NY 10607
City State Zip

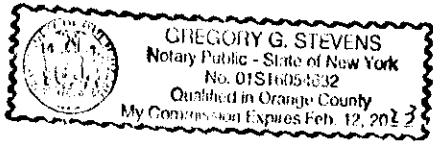
Telephone #: 914-584-0536

State of New York)
County of Orange, ss.:
Town of Tuxedo, NY)

Gregory P. SOVAK Being duly sworn, deposes and says that they
Owner/Owner's Representative
reside at Rt 17, 24 in the County of Orange, in the State of
NY; that they are the owner in fee of the above-entitled premises or the official
representative of the owner of the afore-said premises and that they hereby authorize the within
application on their behalf and that the statement of fact contained in said application are true, and
agrees to be bound by the determination of the Board.

[Signature]
Owner or Owner's Representative

Sworn to before me
5th day of April, 2021
[Signature]
Notary Public



M. SPIEGEL & SONS OIL CORP.



10 EAST VILLAGE ROAD • P.O. BOX 833 • TUXEDO, N.Y. 10987
(845) 351-4700 FAX: (845) 351-4694

April 3, 2021

M. Spiegel & Son Oil Corp.
d.b.a. SOS Fuels
10 E. Village Road
Tuxedo Park, NY 10990
845.351.4700

Letter of Support

To Whom It May Concern:

It is with great pride that SOS Fuels has the opportunity to support a successful business owner and developer with plans for the Tuxedo Gulf Gas Station located at 191 NY-17, Tuxedo Park, NY 10987.

Our company, SOS Fuels, is a long-standing business of Tuxedo, NY for over 50 years with the distinct understanding of the rich history and culture our town brings. As one of the largest employers in the town center we are thrilled with the opportunity to work alongside the town on a new endeavor to benefit those who reside here and those who visit.

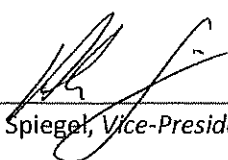
Vishal, Renu and the entire Taneja family have been eager to be a part of this project for a significant time period. After several months of conversations with the Taneja family it was beyond clear to all of us at SOS that they shared our vision for the property and the significance it has on the Town of Tuxedo.

SOS Fuels will remain as a strategic partner for the Taneja family and serve as the fuel supplier for the site. This type of relationship keeps us contractually involved at the property and also ensures the correct measures are in place long term to provide a clean, safe and convenient location that residents of Tuxedo and visitors to our town feel comfortable within.

We have full confidence that the development of the location will provide a long standing need that the Town desires and SOS will continue to maintain our direct advisory role as the building plans are being developed and submitted.

Again, we thank you for the opportunity to discuss this exciting project and we look forward to continue serving our town.

M. Spiegel & Sons Oil Corp.



Adam Spiegel, Vice-President

**Agenda Item #3
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

**3. RESOLUTION FOR TOWN OF TUXEDO TOWN BOARD EXEMPTING THE ESTATE
OF VON HELM FROM MORATORIUM ON DEVELOPMENT**

WHEREAS, the Town Board adopted on May 27, 2020 a local law titled “Moratorium on Development Approvals,” which local law temporarily suspends requirements to approve developments, except for certain specified development applications, while the Town considers and adopts changes to its land use regulation; and

WHEREAS, this moratorium and the terms and conditions of the moratorium local law was extended; and

WHEREAS, the Town of Tuxedo (hereinafter “Town”) notes that the Town has received a Moratorium Waiver Petition for administrative relief to pursue a site plan & special permit Approval for an existing auto repair business located at 962 NY-17 (Southfields, SBL No. 5-3-17.1) (hereinafter “applicant”); and

WHEREAS, the property owner was the subject of an enforcement action that resulted in a Stipulation requiring the property owner to pursue an application for site plan and special permit approval from the Planning Board; and

WHEREAS, the Board finds that, this Petition includes clear and convincing evidence that a site plan would enhance the property and be consistent with the enforcement efforts of the Building Department to bring the property into full compliance with the Zoning Law;

NOW, THEREFORE, BE IT RESOLVED that Town of Tuxedo, in compliance with L Local Law 3-2020, exempts the applicant from the “Moratorium on Development” and directs that the applicant is now permitted to proceed at the Town Planning Board to apply for the required development approval(s).

On a motion by _____, seconded by _____, the resolution was adopted on a vote of _____ Ayes, _____ Nays.

The Supervisor declared this resolution adopted.

Dated: June 14, 2021

PETITION TO THE TOWN BOARD OF THE TOWN OF TUXEDO
FOR RELIEF FROM THE BUILDING MORATORIUM LOCAL LAW

Applicant: Estate of James Von Helms / LORIE LEE

Property location: 922 Rte 19, Southfields, NY; SBL: _____

Proposed action: SITE PLAN

(SEE ITEM I ATTACHED)

Land use approvals required: SITE PLAN

List any exception enumerated in Section 3 of the Moratorium Law that you believe is applicable and the reasons therefore: _____

(SEE ITEM II ATTACHED)

The basis for seeking relief from the Town Board (see section 4 of the Moratorium Law): _____

Owner has passed away and site plan needs approval

(SEE ITEM III ATTACHED)

Estate of James Von Helms
160120.03

RE. PETITION TO TOWN BOARD

I **Proposed Action:**

In 2006 there was a parcel adjacent to the Red Apple Rest. That parcel was made into two (2) lots, a one acre lot and the other a one acre lot with an existing auto repair shop. The map was filed on April 21, 2006. The subdivision plan also showed details for replacement of the septic system, drilling of a well, landscaping, a dumpster and other miscellaneous items to meet the zoning requirements for this use. Unfortunately, there was never a formal Declaration of Site Plan Approval for this particular lot. Due to the recent passing of the property owner, James Von Helms, the property has been transferred to the Estate of James Von Helms. The estate executor, Ms. Lori Lee, would now like to sell the property as it was recently brought to her attention that a site plan application and approval was never finalized and granted by the Town of Tuxedo Planning Board. This would be the reason for this application to be submitted. The property is located in the Highway Business (HB) section of the Town of Tuxedo and a Use by Right is "automotive repair facilities, other than services stations."

II **Section 3: Exceptions to Moratorium**

A. #3:

"Approval of a commercial development which the Town Board has determined, on a case by case basis, to conform with both the comprehensive proposals as well as current zoning."

III **Section 4: Administrative Relief from Moratorium**

A. The relief from this moratorium is simply: To prevent the unlawful taking property and prevent irreparable harm to the Estate of James Von Helms and to grant the Site Plan Approval which was inadvertently not addressed during the subdivision process.

ZONING
98 Attachment 3
Town of Tuxedo

Table of General Use Regulations¹
[Amended 8-26-1987 by L.L. No. 4-1987; 12-4-2000 by L.L. No. 4-2000]

District	A Uses Permitted by Right	B Uses by Special Permit of Board of Appeals	C Uses by Special Permit of Town Board	D Permitted Accessory Uses	E Permitted Accessory Signs	F Minimum Off-Street Parking	G Minimum Off-Street Loading Berths	H Additional Use Restrictions Applying in All Districts
NB Neighborhood Business	<ol style="list-style-type: none"> Same as R-1, Nov. 5, 6, 7. Retail stores and shops. Personal services shops. Offices, theaters, local offices, sit-down restaurants and other similar community service facilities. Bus stops. Newsstands. Medical and dental clinics. Bicycle and specialty shops. 	<ol style="list-style-type: none"> Same as R-1, Nov. 3, 5, 6. Dry-cleaning establishments for pickup and delivery of clothes only. Laundromats not exceeding 30 machines capacity. Trailers for business office and commercial purposes not exceeding 6 months and nonconformable. Railroad passenger stations. Gasoline service stations, subject to § 98-22C. Guest lodges and hotels for overnight accommodation, provided that no alcoholic beverages are sold, and operated for transient accommodation of less than 2 weeks, subject to § 98-22E. Private hospitals, sanitariums or clinics. Undertaking and funeral establishments. Residences in structures with nonresidential uses subject to § 98-22F. 	<ol style="list-style-type: none"> Same as R-1. Clearing, filling and grading of property, subject to § 98-22C. 	<ol style="list-style-type: none"> Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for sale, processing or consumption on the premises. Accessory parking. Accessory loading. Accessory signs. 	<p>Refer to § 98-19, Signs, for regulations applicable to signs.</p>	<ol style="list-style-type: none"> Same as R-4. Retail stores and shops: 1 space per 200 square feet of floor area in sales use. Bank: 1 space per 300 square feet of floor area. Business and professional offices: 1 space per 200 square feet of floor area. Medical and dental clinics or offices: 4 spaces for each doctor or dentist, plus 1 space for each examining room or treatment room. Restaurant: 1 space for each 2 seats. Gasoline service station: 4 spaces for each service bay, plus 1 space per 300 square feet of floor area outside service areas. Public parking, if public parking is provided: at least 20 spaces per 100 parking spaces. Undertaking establishments and funeral houses: 10 spaces per trailer or chapel. Laundromats: 1 space per 4 machines, installed. Hospitals and sanitariums: 1 space per each 2 beds. Hotels and motels: 1 space per room plus 1 space for each 2 employees in the uniform work shift. Residences in nonresidential structures: 1 space per bedroom, with a minimum of 1 and a maximum of 2.5 per dwelling unit. 	<ol style="list-style-type: none"> Storage and display of solid waste. All uses for storage and display in facilities for storage and display of solid waste. Storage areas shall be enclosed on a minimum of 3 sides and shall be screened in a manner precluding view from any public street or residential area. Exception: Solid waste receptacles for single-family dwellings, two-family dwellings and townhouses may be placed at roadside during periods of solid waste pickup authorized by the Town Board. Nonresidential performance standards. All uses listed herein shall be subject to performance standards set forth in § 98-18, Performance Standards. The uses prohibited in this section are prohibited in the town. Manufacturing uses involving primary production of the following products from raw materials: <ol style="list-style-type: none"> Asphalt, cement, charcoal and fuel briquettes. Chemicals: aniline dyes; ammonia; carbide; ematic soda; cellulose; chlorite; carbon black and bone black creosote; alcohol; nitrate; powder; plastic pyrolytic; rayon yarn; and hydrochloric, nitric, phosphoric, sulfuric and sulfuric acids. Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size, animal. Lubricant and oil cloth, miterics, paints, varnishes and turpentine. Rubber (natural and synthetic); soap, including fat rendering; starch. 	
FB Highway Business	<ol style="list-style-type: none"> Same as NB. Shopping centers and convenience stores. Automobile repair shops and showrooms within fully enclosed buildings. Used car lots or open lots of vehicles are prohibited. Mechanical automobile washing establishments, subject to § 98-22D. 	<ol style="list-style-type: none"> Same as NB. Hotels or motor lodges, subject to § 98-22F. Automobile establishments, farmer's markets and stores specializing in second-hand merchandise. Carnivals, circuses and pony rides for a period not exceeding 2 weeks, subject to § 98-22E. Trailer and mobile home courts, subject to § 98-22F. Fraternities, social halls, meeting rooms and eating facilities. Animal hospitals and veterinary clinics, subject to § 98-22L. 	<ol style="list-style-type: none"> Same as R-1. Clearing, filling and grading of property, subject to § 98-22C. 	<ol style="list-style-type: none"> Same as NB. 	<p>Refer to § 98-19, Signs, for regulations applicable to signs.</p>	<ol style="list-style-type: none"> Same as NB. Shopping centers and department stores: 3.5 spaces per 1,000 square feet of gross leasable floor area. Car wash: 1 space per car bay, plus 1 for each employee in the maximum working shift. Commercial recreation facilities: 1 for each 3 persons in capacity use. Automotive repair facilities: 5 spaces for each working bay, plus 1 space for each 300 square feet of floor area in other than repair uses. Schools of special instruction: 1 space for each student or 1 space per 50 square feet of area in instructional use. 	<ol style="list-style-type: none"> Same as NB. 	

¹ Editor's Note: For items marked with an asterisk, see Column H, No. 3.
² Editor's Note: This table is part of § 98-3 of Chapter 98, Zoning, of the Code of the Town of Tuxedo.
³ Editor's Note: Column H is continuous throughout the entire Table of General Use Regulations. Consult Column H on the other pages of this table for additional use regulations applying in all districts.

TUXEDO CODE

Table of General Use Regulations¹
(continued)

District	A Uses Permitted by Right	B Uses by Special Permit of Board of Appeals	C Uses by Special Permit of Town Board	D Permitted Accessory Uses	E Permitted Accessory Signs	F Minimum Off-Street Parking	G Minimum Off-Street Loading Berths	H Additional Use Regulations Applying in All Districts ²
HB Highway Business (cont'd)	<p>*5. Commercial recreation facilities, including bowling alleys, skating rinks, tennis clubs, dance halls, restaurants with live entertainment, and driving ranges and miniature golf courses, but specifically excluding open-air theaters (drive-in movies) and fast-food establishments as defined therein.</p> <p>*6. Sales of automotive supplies and equipment, except sale of parts from wrecked vehicles maintained on the premises, vehicle repair facilities, oil change service stations.</p> <p>*7.</p>	<p>*9. Schools of special instruction, such as secretarial schools, equipment operation schools, beautician schools and grading schools.</p>				<p>7. Social halls, meeting rooms and catering facilities: 1 space for each 2 persons of capacity use, as determined by the Marshal.</p>		<p>B. The following processes: nipping of cotton or other materials; milling or processing of flour, feed or grain; magnesium formate, reaction, refractory, including alloying of metal products, such as gasoline, kerosene, naphtha, lubrification oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper mill operations.</p>

* Editor's Note: For items marked with an asterisk, see Column H, No. 3.

¹ Editor's Note: This table is part of § 98-0 of Chapter 93, Zoning, of the Code of the Town of Tuxedo.

² Editor's Note: Column H is continuous throughout the entire Table of General Use Regulations. Consult Column H on the other pages of this table for additional use regulations applying in all districts.

**Agenda Item #4
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

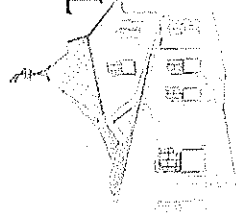
4. Resolution to authorize approval of Tri-State Solar project

ON ROLL-CALL VOTE:

Councilmember David McMillen
Councilmember Maria May
Councilmember Jay Reichgott
Deputy Supervisor Michelle Lindsay
Supervisor Kenneth English

Town of Tuxedo Solar Installation

Tri-State Solar Services



TOWN
OF
TUXEDO

ORANGE COUNTY, NEW YORK

Climate Smart Community Partnership

Tri-State Solar Services would like to partner with the Town of Tuxedo to become a leader in the 21st Century. We will help the town to save money and become environmentally friendly.

- Inform and inspire the public to build a Climate Smart Community.
- Help Tuxedo residences and commercial business decrease energy use.
- Help Tuxedo shift to clean renewable energy.
- Engage on evolving process of climate action.
- Any and every way we can help you achieve your goals.

Project Design

- (177) Jinko 400 watt modules
- (1) 66 kw Inverter
- (1) 20 kw Inverter
- S-5 Unirac Racking for Metal Roof
- 70,800 KW System Size
- Expected Production
-84,900 kWh in Year 1

Explaining the System

- This system size will ensure 98% of Tuxedo Highway Department's Electricity needs.
- Provide 45% Saving compared to O&R.
- Has an expected life system of over 30 years with a warranty for the Panels and Inverters of 25 years.
- Cost \$141,600.
- Room for future expansion as electric heat is wanted for the building, and electricity demand will increase.

Install + Warranties

Your entire system will be designed, installed and maintained all by Tri-State Solar Services LLC, based out of Congers NY.

Our very own Install Experts will be on the job, making sure the install is in compliance with all codes, and done in the best possible way to ensure full life expectancy on the life-span of the system.

Solar System will be maintained and monitored online for the entire service of 25 Years.

5 Year Lease

- \$141,600
- 4.28% Interest Rate
- 5 Years of 12 Monthly Payments

Solar will Provide Endless Benefits For The Town of Tuxedo Highway Department

- Gain a Budgetary Advantage.
 - Discount against O&R
 - Reduce operating expenses.
- Hedge against rising and volatile electric prices
 - Rates are growing at over 4% annually per the US DOE
- Achieve Sustainability Goals
- Reduce Carbon Footprint with zero emissions
 - Promote environmental/green attributes
 - Drive Environmental/Community objectives

**Agenda Item #5
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

5. Resolution to authorize Town Attorneys, Jacobowitz & Gubits LLP, to prepare a local law opting-out the Town of Tuxedo from the state statute authorizing towns to allow the licensing and establishing of cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Town.

RESOLVED, on a motion made by _____, seconded by _____, that the Town Board of the Town of Tuxedo hereby authorizes the Town Attorneys Jacobowitz and Gubits LLP to prepare a local law for further consideration by the Town Board, which local law would opt-out the Town of Tuxedo from the state statute authorizing towns to allow the licensing and establishing of cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Town. This local law, if adopted, would prohibit such establishments in the Town of Tuxedo and would be subject to permissive referendum

ON ROLL-CALL VOTE:

Councilmember David McMillen	_____
Councilmember Maria May	_____
Councilmember Jay Reichgott	_____
Deputy Supervisor Michelle Lindsay	_____
Supervisor Kenneth English	_____

MEMORANDUM

TO: Supervisor English and Town of Tuxedo Town Board Members

FROM: Marissa G. Weiss, Esq.

DATE: April 19, 2021

RE: Recreational Cannabis Legalization—Municipal Impact
Our File 2506-021

This memorandum addresses the municipal impact of the March 31, 2021 enactment of the Marijuana Regulation and Taxation Act (“MRTA”), which made New York the 15th State in the United States to legalize recreational cannabis, and the issues each municipality should consider and be prepared to address as it navigates the new world of municipal regulation of adult-use recreational cannabis.

SUMMARY OF MRTA: MRTA consolidates the existing medical marijuana and cannabinoid hemp programs with the newly created adult-use cannabis program. MRTA creates the framework to build a NYS-regulated cannabis industry intended to replace the illegal market, while also attempting to prevent large companies from dominating the market through social and economic equity components. Items of note for municipalities include:

1. **Program Control.** The new adult-use cannabis program will be controlled by a forthcoming Cannabis Control Board (“CCB”) and Office of Cannabis Management (“OCM”), which were given authority to issue regulations.
2. **Licensing and Taxation.** MRTA establishes a licensing and taxation system for recreational marijuana sales. There are 11 new adult-use licenses, in addition to the existing cannabinoid hemp and medical marijuana licenses, all of which require the OCM to prepare regulations governing said licenses. These regulations must be promulgated in draft form by September 30, 2021, for public notice and comment.
3. **Possession.** In the interim, as of March 31, 2021, personal possession of “up to three ounces of cannabis for recreational purpose or 24 grams of concentrated forms of the drug, such as oils” was immediately legalized.
4. **Sale.** Recreational cannabis sales are also legalized to people over age 21 at licensed retail dispensary locations and/or licensed on-site consumption locations. However, no licenses under the new program will be issued until the new OCM regulations are enacted. Predictions are that the first recreational sales will not occur until 2022/2023 (which will delay municipal revenues, as further discussed herein).

5. **Social and Economic Equity.** MRTA focuses on social and economic equity. There is a legislative emphasis on righting the perceived inequities of the cannabis prohibition enforcement policies of the past decades, which according to the MRTRA legislation itself have disproportionately impacted communities of color and/or lower economic standing. MRTA establishes equity programs that will provide loans, grants, and incubator programs in an effort to ensure broad opportunities for participation in the newly legalized recreational marijuana industry by people within those communities. For instance, those who were directly impacted by cannabis enforcement are given preferential treatment when applying for licenses, as the Legislature set a goal of 50% of all licenses going to equity applicants. MRTA also automatically expunges records for people with previous convictions for activities that are no longer criminalized, as discussed further below. In addition, the OCM will include a Chief Equity Officer tasked with drafting regulations that will implement the law's proposed social and economic equity programs.

The full text of the legislation can be found here: <https://legislation.nysenate.gov/pdf/bills/2021/a1248a>.

Each municipality will need to make several decisions in order to be prepared to address the impacts and/or reap the rewards associated with the legalization of adult-use cannabis, including the following:

1. **SHOULD YOUR MUNICIPALITY OPT-OUT?**: Under MRTA § 131(1), cities, towns, and villages are authorized to “opt-out” of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions. “Opting out” means that the municipality makes the decision to prohibit dispensaries or on-site consumption facilities from locating within its municipal borders—once this is done, the OCM is prohibited from issuing a license for a facility to locate in that municipality. To opt-out of adult-use cannabis retail dispensaries and/or on-site consumption licenses, a municipality must pass a local law no later than December 31, 2021. There are certain requirements for this local law outlined in the MRTA.

Once a municipality opts out, the OCM will be unable to license the establishment of a retail dispensary and/or on-site consumption operation within that municipality's jurisdiction. If a town adopts an opt-out law, that law shall only apply to the unincorporated area of the town.

However, municipalities cannot opt-out of any other type of license or out of adult-use marijuana legalization generally. This is because the MRTA legalized adult-use cannabis possession and use by adults aged 21 years or older in New York State. Therefore, the MRTA preempts municipalities from enacting a local law that prohibits other marijuana-related facilities from locating within the municipality or criminalizing legal recreational use within the municipal borders. For example, municipalities cannot opt-out of cannabis

grow facilities or any other type of cannabis facility, other than the dispensaries and on-site consumption facilities as explained above.

If a municipality does not opt-out by December 31, 2021, the municipality will be prohibited from opting out at a future date. However, if a municipality does opt out, the municipality is free to opt back in at a later date. If a municipality chooses to opt back in, the municipality may decide to opt back in entirely by allowing both adult-use dispensaries and on-site consumption licenses, or opt back in partially by allowing either license. To do so, the municipality must repeal the local law which established the prohibition, which local law would be subject to a permissive referendum pursuant to the New York State Municipal Home Rule Law (“MHRL”) § 24. There is no other action required to opt-in.

If you are considering opting out, please be aware that all local “opt-out” laws are subject to a permissive referendum pursuant to MHRL § 24. Municipalities are prohibited from opting out after December 31, 2021, so if you are considering opting out, the Town should discuss the merits of such decision as soon as possible. At a minimum, the Town Board should weigh the tax benefits and social/economic equity implications of opting in versus out, as discussed in the introduction and sections 2-5 below. The Town Board may want to consider inviting other potential stakeholders to be part of the discussion.

2. **IF YOUR MUNICIPALITY DOES NOT OPT-OUT: SHOULD YOU ADOPT TIME, PLACE, AND MANNER RESTRICTIONS FOR THE OPERATION OF LICENSED ADULT-USE CANNABIS RETAIL DISPENSARIES AND/OR ON-SITE CONSUMPTION SITES?:** Under MRTA § 131(2), a municipality that chooses not to opt-out of allowing retail dispensaries and/or on-site consumption sites within its municipal boundaries may adopt local zoning laws establishing reasonable time, place, and manner restrictions on such facilities. These time, place, and manner restrictions must be incorporated into the local zoning code. Regulations can include: (1) specifying minimum distances from specific zoning districts or uses, such as residential zones, schools, or municipal property (see #3 below for additional information); (2) controlling hours of operation; (3) controlling signage (note that the MRTA includes specific signage requirements); (4) limiting facilities to only certain zoning districts; and/or (5) requiring that the facility obtain site plan and/or special use permit approval from the municipal Planning Board.

The municipality should be aware that, pursuant to § 131(2), all counties, cities, towns, and villages are preempted by state statute from adopting any law, rule, ordinance, or regulation pertaining to the operation or licensure of registered organizations (what MRTA calls medical marijuana facilities), adult-use cannabis licenses, or cannabinoid hemp licenses, other than valid time, place, and manner zoning restrictions as noted above.

The municipality should be aware that MRTA § 131(2) explicitly states that local zoning restrictions must not create the situation where siting such facilities becomes “unreasonably impractical.” The CCB is empowered to make the sole determination whether adopted zoning restrictions are “unreasonably impractical”. Case law in several of the other 14 states that legalized recreational adult-use marijuana prior to NYS indicates that courts may rule against municipalities that use their local zoning code to effectively eliminate cannabis businesses by zoning such businesses into undesirable locations and/or making it onerous for a cannabis business to site within the municipality. While a municipality could merely opt out to avoid the potential pitfalls of crafting time, place, and manner restrictions that meet these requirements, municipalities that wish to opt-in for the tax benefits will want to consider these requirements carefully so that the time, place, and manner restrictions are not apt for legal challenge.

Each municipality should also be aware that if the municipality does not opt-out and also fails to adopt time, place, and manner restrictions, the current zoning code provisions will govern where such facilities can be located and conditions applicable to the use within the municipality.

3. **MRTA’S LOCATIONAL RESTRICTIONS FOR CANNABIS RETAIL FACILITIES:** Pursuant to MRTA §§ 72(6) and 77(4), no cannabis retail dispensary or on-site consumption facility licensee may locate its storefront within 500 feet of a school or school grounds or within 200 feet of a house of worship. “School” is defined pursuant to the NYS Education Law as any “public or private elementary, parochial, intermediate, junior high, vocational, or high school”; “school grounds” are similarly defined pursuant to the Education Law as including any “building, structure, athletic playing field, playground, or land contained within the real property boundary line” of such a school. The definition of “house of worship” relies solely on the municipal zoning code, which varies greatly among municipalities.
4. **REQUIRED NOTIFICATION TO MUNICIPALITIES:** If a municipality does not opt-out of permitting adult-use retail dispensaries or on-site consumption licenses within the municipality, the CCB retains the sole authority to determine whether licenses are issued for such facilities. The municipality has no authority on CCB issuance decisions and may only regulate facilities with potential time, place, and manner restrictions, as discussed in Section 2 above. However, the potential host municipality must be notified of the plan to apply for such licenses, as discussed further below.

Pursuant to MRTA § 76, not less than thirty (30) nor more than 270 days before filing an application with NYS for an adult-use retail dispensary or an on-site consumption license, an applicant must notify the municipality where the premises are located. The notification must be made to the municipal clerk by certified mail, return receipt requested, overnight

delivery, or personal service pursuant to § 76. Section 76 also requires that the notice be on a standardized form and contain the applicant's name, trade name of the establishment, address of the proposed establishment, and a statement explaining what the application is for (i.e. a new application or transfer, renewal or alteration of an existing application).

After receiving such notification, the municipality has the option to submit an opinion to the CCB in favor of or against a license, which will become part of the application record. Once the CCB determines to either grant or deny the application, the CCB must then respond in writing to the municipality with an explanation of said decision. If the municipality disagrees with CCB's decision, the municipality possesses no authority to challenge that decision.

5. **LOCAL REVENUE TO MUNICIPALITIES:** Pursuant to NYS Tax Law §§ 493(3) and 496-b, all cannabis product sales at permitted retail dispensaries or on-site consumption facilities located within one's municipal boundaries will be subject to a 13% sales tax in NYS. Of that 13%, 9% will go directly to NYS for a "Cannabis Revenue Fund" (which will fund administration of the program, as well as education, drug treatment and public education funds, and community grants) and 4% will go directly to the locality itself. The municipality does not get to control the taxation amount or allocation—it is set by NYS.

Of the 4% that goes to the locality, counties will receive 25% of the local tax revenue and 75% of the revenue (i.e. 3% of the tax revenue) will be distributed quarterly by the counties to the cities, towns, and villages within such county in which a retail dispensary and/or on-site consumption facility is located. The revenue will be distributed to such locality in proportion to the sale of adult-use cannabis products by the retail dispensaries/on-site consumption facilities in such municipalities as reported by a "seed-to-sale" system. Therefore, only municipalities that opt-in **and** have facilities sited within the municipality will see the 3% revenue. The county must distribute monies received from the State Comptroller to the relevant localities within thirty (30) days of receipt.

Note that if a retail dispensary or on-site consumption facility is located in a village within a town that also permits cannabis retail sales, the county shall distribute the monies attributable to such retail dispensary to the town and village in such proportion as agreed upon by the governing bod(ies) of such town and village. In the absence of such agreement, the money shall be evenly divided between the town and village. **Note that villages which choose not to opt-out should discuss such an agreement with the surrounding town's Town Board as soon as possible. Conversely, towns who also choose not to opt-out and whose municipal borders contain villages who also choose not to opt-out should also discuss such an agreement with the Village Board as soon as possible.**

6. **PENAL CODE PROVISIONS THAT AFFECT MUNICIPALITIES:** The following MRTA provisions revised the NYS Penal Law:

- MRTA § 2 and NYS Penal Law § 222.05(1): Adults (age 21 and over) can now smoke cannabis anywhere it is currently legal to use tobacco. Smoking remains prohibited in schools, workplaces, and cars. Municipalities are empowered to adopt specific regulations allowing the smoking of cannabis in locations where smoking tobacco is prohibited.
- NYS Penal Law § 222.10: Under this section, no more than three (3) mature and three (3) immature cannabis plants may be cultivated, harvested, dried, or possessed within any private residence. Violations of these restrictions are subject to a civil penalty of up to \$200,000.00. In addition to these provisions, municipalities may enact laws to “reasonably regulate the actions and conduct of personal cultivation” but no municipality may enact or enforce any regulation that entirely prohibits personal cultivation. Similar to the time, place, and manner restrictions explained above, the CCB possess sole authority in determining whether such municipal laws are reasonable regulations.

If you need legal guidance, please contact your municipal attorney at Jacobowitz & Gubits to discuss the merits of opt-in versus opt-out and/or time, place, and manner zoning restrictions and other regulations.

If you have any questions or comments regarding this memorandum or the content of the new legislation, please contact Marissa Weiss for further information at (845) 778-2121 ext. 261 or mgw@jacobowitz.com.

**MINUTES
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Resolution Accepting Minutes

Motion made by _____, seconded by _____ to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on May 24th.

ON ROLL-CALL VOTE:

Councilmember David McMillen
Councilmember Maria May
Councilmember Jay Reichgott
Deputy Supervisor Michelle Lindsay
Supervisor Kenneth English

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, May 24th, via WebEx, and called to order by Supervisor English at 7:05 p.m.

A recording of the meeting will be available on the Tuxedo YouTube site.

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

Town Board Members Present:	Ms. Maria May	Councilmember
	Mr. David McMillen	Councilmember
	Mr. Jay Reichgott	Councilmember
	Mrs. Michele Lindsay	Deputy Supervisor
	Mr. Kenneth English	Supervisor

Town Board Members Absent: None

Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present:

Mr. Howard Protter, Esq.; Mr. Robert Dollbaum, Highway Superintendent; Mr. Frank Peverly, Zoning Board Chairman; Deirdre Murphy, Planning Board Member

Public Hearing

Notice of Public Hearing having been posted, distributed by electronic mail and published on the Town website, and proof of publication of notice in the *Times Herald Record* having been furnished, a Public Hearing regarding “Establishment Schedule of Fees; Categories” and “Civil Penalty Amendments” was held before the Town Board of the Town of Tuxedo on Monday May 24th, 2021 via Webex and called to order by Supervisor English at 7:07pm.

Attorney Protter explained the Town Board has been discussing the subject of re-inspections and building permits that were not applied for properly prior to work being done. A Local Law must be adopted to be able to add new categories of fees. One of the new categories proposed are re-inspections to cover the cost of the Building Inspector’s time when an inspection is scheduled and the owner or contractor does not show up.

Attorney Protter addressed questions that were submitted prior to the meeting from resident Shaun Neal.

1. Who is the sponsor of this law? There is no sponsor for this law. The Town follows Municipal Home Rule Law so there is no sponsor required.
2. What is the purpose of this law? The purpose is to add new categories of fees and add to the civil penalty list that already exists in the code book.
3. Why does the town feel that the current remedies (e.g. stop work order and as-built penalty) are insufficient? An as built penalty does not currently exist. The Town is trying to adopt the laws now to create an as built penalty to hopefully help prevent the issue.

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Supervisor English added that a stop work order wouldn't help much in this instance since most of this work is being done without notice.

Resident John McNamara commented that the law may make it more difficult to build and not encourage growth in Tuxedo. Councilmember McMillen clarified that the Building Inspector brought these issue before the Board and asked for the Town Board to assist. The fee would cover the costs for the Building Inspector's time and not create revenue for the Town.

Supervisor English added the re-inspection fee would be more of a "no show" fee and the Building Inspector would have the discretion to determine when the fee would be applied.

There were no further 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 Fee Schedule Amendments and Civil Penalty Amendments be closed at 7:38pm.

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

The Town Board agreed they were ready to adopt both Local Laws.

Whereas the Local Law entitled "Fee Schedule Amendments" has been before the Board and subject to a Public Hearing, the Board finds this is a Type II Action under the State Environmental Review Act and therefore is ready for adoption and shall be adopted as a Local Law in the Town of Tuxedo;

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

Whereas the Local Law entitled "Civil Penalty Amendments" has been before the Board and subject to a Public Hearing, the Board finds this is a Type II Action under the State Environmental Review Act and therefore is ready for adoption and shall be adopted as a Local Law in the Town of Tuxedo;

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

Regular Town Board Meeting
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May 24, 2021

Public Comments on Agenda Items:

- There were no public comments on the agenda items.

AGENDA ITEM:

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

Resolved, motion made by Supervisor English, seconded by Councilmember McMillen, 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:

Police Department

2010 Ford Crown Vic; mileage 212,724
2010 Ford Crown Vic; mileage 104,699
2012 Ford Taurus; mileage 193,483

Highway Department

2008 Ford Expedition; mileage 168,378
(2) DEK 5,000 watt Generators
Brigs & Stratton 8,000 watt Generator
Generac 10,000 watt Generator
Troy Bilt Snow Thrower

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

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

2. Approval of NY/NJ Trail Conference Race Permit Application

Motion made by Supervisor English, seconded by Councilmember May, that the Town Board of the Town of Tuxedo hereby approves the permit application submitted by the NY/NJ Trail Conference to utilize the Powerhouse Park on Saturday, July 31, 2021.

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

Minutes

Motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on May 10th and the Zoning Workshops held on May 3rd and May 13th.

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

MONTHLY REPORTS

Supervisor English is in receipt of the April monthly report from the Police Department.

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

DEPARTMENT UPDATES

- Robert Dollbaum, Highway Superintendent, reminded residents about the mulch and compost at Quarry Field. They are currently working on crack sealing in the Hamlet and making their way through Town in preparation of chip sealing. They are also cleaning the sidewalks in preparation of the Memorial Day Parade and continuing to maintain Town properties including the fields. He added the recent passing of Charlie Jones, who was a Tuxedo Highway Superintendent and Tuxedo Fire Chief for many years.

Supervisor English asked for a moment of silence.

- Marisa Dollbaum, Town Clerk, stated the Primary Election is Tuesday, June 22nd. All voters registered in Tuxedo will vote in Town Hall. Applications for absentee ballots are available in her office, online or at the Board of Elections. Interstate Waste Services will push back garbage and recycling pick by one day next week, due to Memorial Day.

TOWN SUPERVISOR UPDATE

- On May 13th Supervisor English attended a demonstration on the BoloWrap at the Department of Emergency Medical Services in Goshen. It is a non-lethal restraint used by Police Departments. He also met with John Banyo, Planning Board Chairman, regarding potential construction impacts on Sterling Mine Rd. from the proposed Watchtower project. John Banyo will attend the Public Hearing to represent Tuxedo and he will give an update at the next Town Board meeting. Supervisor English invited Claire Dougher, Recreation Coordinator, to give a quick presentation on the Tuxedo Summer Camp. She hired Jhanya Squires as Recreation Leader and Morgan Honor as the Medical Director. Camp starts on July 7th and will be held at Murphy Field and the kids will swim at Highlands Natural Springs two days a week. A main focus of the Camp will be enrichment and socialization. They will follow the COVID guidelines as they change. Supervisor English added that they will be renting a tent to place at Murphy Field. He attended the TUFSD presentation on their Summer Program and encouraged parents to sign up for both. Camp registration packets will be sent out this week. On June 15th the Highway Department will resume the screening of materials on Long Meadow Road. The test results from HES came back from the Phase 1 testing and the DEC will determine what can be removed from the location.

TOWN BOARD UPDATES

- Michele Lindsay, Deputy Town Supervisor, posted information on how to preorder compost bins. They can be picked up on June 12th at the first day of the Tuxedo Farmer's Market. The Plein Air Event has received a good amount of sponsors. The artists will be painting around Tuxedo starting on June 16th. The artwork will be on display at the reception will be held at the Tuxedo Train Station on Friday, June 18th. Artwork will be for sale from June 18th to June 20th. The Village of Tuxedo Park is suggesting June 28th at 6pm for the joint Public Hearing for the Annexation of Rattlesnake Mountain Preserve.

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

- Maria May, Councilmember, had nothing to report

- Jay Reichgott, Councilmember, has been working with Town Planner, Bonnie Franson and Attorney Protter on the Zoning modifications. There does not seem to be further interest in a cell tower across from the Eagle Valley Fire Station. Verizon is getting approval to place towers along the thruway and may not end up in Tuxedo's jurisdiction. He will keep everyone informed if there are any changes on that.

- David McMillen, Councilmember, spoke with an executive at Optimum regarding the lack of internet service in the area of Contractors Road. There are restrictions with wires placed over the railroad tracks. Optimum is trying to get permission from the MTA to run wires underneath the train tracks. The Franchise Agreement between the Town and Optimum will be up for negotiation soon and he feels this is a good time to put pressure on them. He will keep everyone posted on the progress.

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

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: 2012918428 through 2012918496

Voucher 2012918426 was deleted

General Fund :	\$160,254.66
Part-Town Fund:	\$38,807.60
Highway Town Wide :	\$21,084.68
Highway Part Town	\$20,911
Hamlet Sewer District	\$595.75
Total Abstract Amount:	\$241,653.69

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

PUBLIC COMMENTS

- Resident Evelyn David stated there is a large branch in the Ramapo River and she is concerned that it will cause an issue. Supervisor English stated he would look into it.

Regular Town Board Meeting
This meeting was held virtually through WebEx
May 24, 2021

ADJOURNMENT

RESOLVED, motion made by Supervisor English, seconded by Councilmember McMillen to adjourn the meeting at 9:03 p.m.

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

Respectfully submitted,

Marisa Dollbaum
Town Clerk
Town of Tuxedo

**DEPARTMENT UPDATES
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

**TOWN SUPERVISOR/TOWN BOARD UPDATE
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

TOWN SUPERVISOR/TOWN BOARD UPDATE:

**MONTHLY REPORT
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Supervisor English is in receipt of the following monthly report:

- **Police Department**
- **Justice Department**
- **Building Department**
- **Town Clerk**



Monthly Report for May 2021

Officers attended Strategies to Help Defuse Potentially Violent Training. Sponsored by the Orange County District Attorney's Office.

- PO Andrew Markunas and PO Kevin Bonkowski arrested a 51 year old from Monroe for Driving While Intoxicated.
- Lt. John Norton and Sgt. Michael Eichengreen responded to a possible abduction call involving a U-Haul truck in Harriman State Park. The Officers located the truck on County 106. After a thorough interview, it was learned the subjects were in a relationship and were involved in a physical altercation at the Tiorati Circle. The case was turned over to NY State Park Police.
- Officers assisted Tuxedo Park Police with an Arrest.
- Det. Stefan Christian responded to a male shot in the face. It was learned that three people were out Turkey Hunting off Ironwood Drive when one of the Hunters heard a turkey and shot toward the sound striking the two other hunters. One Hunter was flown to Westchester hospital, while the second hunter drove himself to St. Anthony's. Greenwood Lake Police, Warwick Police, Chester Police and New York State Police all responded to the call. The incident was turned over to NY DEC Police.
- Officers provided Traffic Control for the Memorial Day Parade.
- PO William Hall investigated an Email Fraud case involving a 74 year old resident. The resident was scammed out of \$2,500. Walmart fraud department is involved in the investigation to help retrieve the money.
- Officers assisted NY State Park Police with a Rollover Crash on Arden Station Rd.
- Officers assisted Warwick Police with a Rollover Crash on Route 17A.
- PO William Hall assisted a 44 year old homeless person. Orange County Mobile Mental Health responded and recommended overnight housing, the subject refused. Officer Hall gave the person money for a coffee and roll and dropped her off at a gas station.
- While conducting a Property Check at Power House Park, Sgt. Michael Eichengreen stopped several teens from walking to the Water Falls area.
- Det. Stefan Christian responded to a 77 year old unconscious and not breathing. Det. Christian used the AED on the person, administered two shocks and performed CPR until the Medics arrived.
- PO Girard Shiloh assisted NY State Park Police with a Rollover Crash on County RT. 106.

***Vehicle Information – Monthly total**

Vehicle #	Monthly Mileage	Total Mileage
*970	O.O.S.	O.O.S.
962	N/A	145955
963	1937	111090
964	1926	181129
965	1490	5718
966	4909	7551
967	3699	103755
968	2176	103231
969	759	98734

*970 has been place out of service and non-repairable by the town mechanic.

OOS - Out of Service

Monthly Statistics

See attached report

Respectfully submitted,

Arthur P. Abbott
Chief of Police

**MONTHLY REPORT
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

Supervisor English is in receipt of the following monthly report:

- **Police Department**
- **Justice Department**
- **Building Department**
- **Town Clerk**

Justice Information	
Municipal Name	Town of Tuxedo
Justice ID	3338400
Justice Number	444
Justice Name	Alyse McCathern

Thank you for submitting your monthly Justice Report. You will receive an email with the status of your report. Please print and retain this page for your records as confirmation of your filing.

Submission Log
06/01/2021 02:05:11 PM / Alyse McCathern / Town of Tuxedo / Submitted Document

Report Certification	
Date Filed	06/01/2021
Report Period	05/2021
Report Amount	\$31,236.00
Date Check Sent to CFO	06/01/2021
AC-1030 Report File	AC210533.444

Justice Information	
Municipal Name	Town of Tuxedo
Justice ID	3338400
Justice Number	407
Justice Name	Shawn Brown

Thank you for submitting your monthly Justice Report. You will receive an email with the status of your report. Please print and retain this page for your records as confirmation of your filing.

Submission Log
06/01/2021 11:22:36 AM / Shawn Brown / Town of Tuxedo / Submitted Document

Report Certification	
Date Filed	06/01/2021
Report Period	05/2021
Report Amount	\$52,449.00
Date Check Sent to CFO	06/01/2021
AC-1030 Report File	AC210533.407

Issues of Importance

- 1 There were 2 more complaints about the amount of garbage some residents put at the curb and the fact that it is being brought it from elsewhere. I informed them that there is no law or local code against the practice.
- 2 A follow-up on a complaint installing a pool without a permit. The court cannot evict the tenant until September. The owner was notified and will try and remove the illegal pool.
- 3 A follow-up about the Red Apple Rest and Ski Center. The Town Engineer performed an inspection with me at both sites. For now, placards that inform the Fire Department that the building is vacant and there should be no reason to enter have been placed. The Ski Center will be removing 2 of the 4 buildings including the Ticket/Ski Patrol building and the Warming hut building.
- 4 A follow-up on the complaint issued about a dilapidated garage on Hospital Road. I have been informed that the garage will be taken down. I'm waiting on a date on when this might happen. If not, a second letter will be issued informing them of their options.
- 5 The new owner of the Auto Body property in Southfields (Itzy's Collision) has been granted permission by the Planning Board Attorney to operate under the previous approved Site Plan for an Auto Repair shop. They are in the process of amending the original approved Site Plan. Permission was granted to temporarily move the fenced in area from the south side of the lot to the north site. It will be moved back to the original spot if it is not approved. They will be allowed to operate the business under the conditions of the original site plan if their amended site plan is denied.

Monthly Report May 2021**Number of Transaction and Activities Conducted for:**

David Maikisch- Building Inspector/ Fire Inspector/Code Enforcement Office

<u>Transactions/Activities</u>	<u>Number</u>
Building Permits	11
Burn Permits	0
Burn Permit Site Inspections	0
Business Permits	0
Certificate of Compliances	5
Certificate of Occupancies	7
Clearing & Grading Inspections	0
Clearing and Grading Permits	0
Complaint Follow-ups	2
Court Appearances	0
Deck Inspection	0
Demolition Inspection	0
Electrical Permits	0
Elevation Certificates Issued	0
Elevator Inspections	0
Fence Location Inspection	0
Final Inspections	4
Fire Inspection Follow ups	12
Fire Safety Inspections	7
Fire Stopping Inspections	0
Footing Inspections	4
Framing Inspections	1
Gas Line Inspection	0
Gas Line Permit	0
Generator Inspections	0
Gravel under Slabs	0
HVAC Inspection	0
Insulation Inspection	0
Oil Tank Installations	0
Oil Tank Removals	0
Plan Reviews	11
Plan Review/On Site Meetings	7
Plumbing Final Inspections	0
Plumbing Rough-Ins	1
Plumbing under Slab	0
Pool Inspections	0
Pool Permit	0
Pre-Inspections	0
Propane Tank Installation	0
Rebar Under Slab	0
Roof Inspections	3
Septic Inspections	0
Septic Permit	0
Sheetrock Inspection	0
Sign Permits	0
Site Inspection	2
Site Plan Reviews	0
Solar Plan Reviews	0
Structure Fire Inspection	0
Trailer Permit	0
Violations Follow-ups	4
Violation Issued	0
Violation Searches	12
Wood Stove Inspections	0

Summary of Activities

I performed routine patrols this month, which involved driving to different areas of Town looking for violations set forth in the Tuxedo Code or the New York State Property Maintenance Code.

The violations I looked for included any work being performed without a permit, unsafe or dangerous buildings or homes, illegal or dangerous situations, unregistered vehicles, illegal trailers, illegal boats, or illegal commercial vehicles. I also looked for illegal signs, prohibited signs, the proper maintenance of signs, illegal landscaping and proper property maintenance, including improper disposal of garbage, debris, fill and/or dumping. (During the summer season, I also look for illegal pools and the proper installation of temporary pools).

When I found violations, I wrote and issued compliance orders and I issued Stop Work Orders if I found that the work being conducted required a permit. If the violation was not corrected, I issued an Order to Remedy, which included enforcement penalties. If that was ignored, I pursued the administrative enforcement action. (That includes writing and issuing an Appearance Ticket where I eventually meet the violator in court and explain to the judge what the violation is and what the fines are. The judge then deals with them through fines or whatever else he deems necessary.

I reviewed and investigated any complaints that were received either verbally or in writing this month to the Building department or myself. I inspected the conditions or activities alleged in the complaint and determined whether they were legit violations. If they were, I contacted the appropriate people involved with the violations and provided them with an opportunity to abate or correct the violations. (A personal call or visit usually diffuses the complaint) If ignored, the violation procedure as described above was followed.

I reviewed all building permit applications received this month and the plan specifications and /or the construction documents submitted with the application. They were reviewed to ascertain whether the proposed work was in compliance with the applicable requirements of the New York State Uniform and Energy Code. If they were approved, the permit was issued. If they were denied, the applicant was provided with the reasons for denial. (Before a few of the permits were issued, I visited the worksite to assure the property was flagged in accordance with the approved site plan) I conducted inspections for plan compliance and safety. (Inspections include the following when called for: Footings and foundation, preparation for concrete slab, framing, underground and rough-in building systems, fire-resistant penetrations, solid fuel burning heating appliances, chimneys, energy code compliance, and a final inspection when the authorized work is complete). I issued Certificates of Compliances or Certificates of Occupancies when the final inspections passed. I issued Stop Work Orders when the work was determined to be contrary to the approved plans or the NYS Uniform or Energy Codes. I also issued them if the work was being conducted in a dangerous or unsafe manner.

I administered and enforced the NYS Fire Prevention Code this month by inspecting all the 3 or more family dwellings that were due for an annual inspection for compliance with the NYS Fire and Maintenance Codes. I also inspected all businesses that were due for the annual inspection of compliance with these same codes and issued Business Permits to any new businesses in Town and revoked them for non-compliance with the NYS Fire Prevention Code. (75 Business Permits are in force at this time)

I inspected any buildings and structures that were involved in any fires, explosions accidents or weather related issues. I inspected them for structural damage and deemed them unsafe or fit for occupancy. I approved emergency repairs as needed. I also reviewed any applications for sign permits and took on the duties of the Flood Damage Control Administrator by reviewing applications and granting or denying them in accordance with the Flood Damage Prevention section in the Tuxedo Town Code.

Throughout this month I also kept current with the New York Department of State Bulletins, Fire Inspection Law Bulletins, National Fire Protection Association Journals and updates, pertinent publications including Buildings, Legal Briefings for Building Inspectors and all materials involved with researching current subjects. I also attended Town Board meetings, Technical Advisory Meetings and Planning /Zoning Board meetings as needed. Also, as needed, I consulted with Attorneys, Engineers, Architects, Town Board Members, Planning Board Members, Zoning Board Members, Office Personnel, Police Department Personnel, Business Owners and Residents.

I also attended any required continuing education courses that are needed to maintain the NYS State License and the NYS DEC Erosion and Sediment Control License.

Account#	Account Description	Fee Description	Qty	Local Share
A 1255	General Receipts	Photocopies	5	1.25
	Marriage Licenses	MARRIAGE LICENSE FEE	2	35.00
	MARRIAGE TRANS	Marriage Trans	3	30.00
			Sub-Total:	\$66.25
A 1603	Vital Statistic Fees	Vital Trans - Town	26	260.00
			Sub-Total:	\$260.00
A 2590	Other Permits	Road Opening Permit	1	625.00
			Sub-Total:	\$625.00
A.1720	Parking Lot and garages	Parking Permit	4	536.00
			Sub-Total:	\$536.00
A1255	Conservation	Conservation	1	0.72
			Sub-Total:	\$0.72
A2544	Dog Licensing	Female, Spayed	7	63.00
		Female, Unspayed	1	17.00
		Male, Neutered	5	45.00
			Sub-Total:	\$125.00
Total Local Shares Remitted:				\$1,612.97
Amount paid to:	NYS Ag. & Mkts. for Surcharge			15.00
Amount paid to:	NYS Environmental Conservation			64.28
Amount paid to:	State Health Dept. for Marriage Licenses			45.00
Total State, County & Local Revenues:		\$1,737.25	Total Non-Local Revenues:	
			\$124.28	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Marisa Dollbaum, Town Clerk, Town of Tuxedo, during the period stated above, in connection with my office, excepting only such fees and monies the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

**VOUCHERS
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

VOUCHERS

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

Claim numbers:

General Fund :	\$136,748.56
Part-Town Fund:	\$57,479.38
Highway Town Wide :	\$17,927.02
Highway Part Town	\$33,255.41
Hamlet Sewer District	\$14,961.22
Trust and Agency	\$
Total Abstract Amount:	\$290,694.69

ON ROLL-CALL VOTE:

Councilmember David McMillen
Councilmember Maria May
Councilmember Jay Reichgott
Deputy Supervisor Michelle Lindsay
Supervisor Kenneth English

**PUBLIC COMMENTS
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

PUBLIC COMMENTS

**OTHER BUSINESS
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

**ADJOURNMENT
TOWN BOARD MEETING
TOWN OF TUXEDO
June 14, 2021**

ADJOURNMENT

Motion made by _____, seconded by Councilmember _____, to adjourn the meeting at _____ p.m.

ON ROLL-CALL VOTE:

Councilmember David McMillen	_____
Councilmember Maria May	_____
Councilmember Jay Reichgott	_____
Deputy Supervisor Michelle Lindsay	_____
Supervisor Kenneth English	_____