

## AGENDA

MONDAY, JUNE 28, 2021 7:00 pm  
TUXEDO TOWN HALL – COMMUNITY ROOM  
REGULAR BI-MONTHLY TOWN BOARD MEETING

\*This meeting will also be available via the Town's WebEx page  
<https://www.tuxedogov.org/webex-virtual-meetings>  
or dial 408-418-9388 and use access code 796 596 205

\*Deputy Supervisor Lindsay will attend this meeting via WebEx

Call to Order  
Pledge of Allegiance

### **Public Hearing**

Moratorium on Development Approvals

### **Presentation**

Attorney Marissa Weiss to present information on the pending Marijuana Regulation and Taxation Act

Minutes  
Department Updates  
Supervisor's Update  
Town Board Updates  
Vouchers  
Public Comments  
Any other Business as may come before the Board after this Agenda is posted  
Adjournment

**CALL TO ORDER/PLEDGE  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**Call to Order**

\_\_\_\_\_ called to order the Town Board Meeting of June 28, 2021 at \_\_\_\_\_ p.m.

**Pledge of Allegiance to the Flag**

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

**Public Hearing - MORATORIUM ON DEVELOPMENT APPROVALS  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**Open Public Hearing:**

\_\_\_\_\_ opened the Public Hearing to receive comments on the introductory Local Law entitled "Moratorium on Development Approvals" at \_\_\_\_\_pm for discussion.

(Draft of Local Law is attached)

**Discussion:**

**Public Comments:**

**Close Public Hearing:**

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that all persons desiring to be heard, having been heard, the Public Hearing regarding Moratorium on Development Approvals be closed at \_\_\_\_\_pm.

**Public Hearing - MORATORIUM ON DEVELOPMENT APPROVALS  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**Resolution if ready to adopt:**

**TOWN OF TUXEDO  
RESOLUTION OF ADOPTION  
MORATORIUM ON DEVELOPMENT APPROVALS**

WHEREAS, an introductory Local Law, entitled "Moratorium on Development Approvals" was introduced before the Town Board of the Town of Tuxedo on June 17, 2021, and upon notice duly published and posted, a hearing was held on June 28, 2021, before the Town Board, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law,

BE IT RESOLVED, that the adoption of the introductory Local Law entitled "Moratorium on Development Approvals" is a Type II action under SEQR and is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled "Moratorium on Development Approvals" of the Town of Tuxedo be and hereby is adopted as Local Law # 3 of 2021 of the Town of Tuxedo on \_\_\_\_\_, 2021.

On the motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing resolution was adopted, on a roll call of \_\_\_\_\_ Ayes, \_\_\_\_\_ Nays.

The Supervisor declared the resolution adopted.

**TOWN OF TUXEDO  
INTRODUCTORY LOCAL LAW  
MORATORIUM ON DEVELOPMENT APPROVALS**

BE IT ENACTED by the Town Board of the Town of Tuxedo, Orange County, New

York, as follows:

**Section 1.** Legislative Purpose.

The purpose of this local law is to temporarily suspend requirements to approve developments while the Town considers changes to its comprehensive plan and considers and adopts changes to its land use regulations. This local law is intended to allow the Town to amend the comprehensive plan and land use regulations to provide for controlled growth that will not unduly impact the public welfare, community services, schools and infrastructure, to preserve open space, and to plan for a proper mix of residential and commercial development. This stop gap or interim measure is intended to preserve the status quo pending the adoption of an amended comprehensive plan and amended planning and zoning regulations in accordance with the newly revised comprehensive plan. The overall purpose of this local law is to promote community planning values by regulating land development based on a carefully considered plan. This local law prevents a “race of diligence” by those seeking to obtain approvals before the new comprehensive plan and regulations are in place. This local law will protect the public interest and welfare until an amended comprehensive plan and zoning law are adopted. This local law re-adopts the existing “Moratorium on Development Approvals” local law (Local Law No. 3 of 2020, which readopts Local Law No. 2 of 2019).

**Section 2.** Moratorium Imposed.

A. For a period of six (6) months following the date of adoption of this local law, no development approval or building permit shall be granted in the Town of Tuxedo outside the Village of Tuxedo Park, unless expressly exempted from this moratorium pursuant to Section 3 below. The term “development approval” shall mean any application for an approval of a discretionary nature required for all any development in the Town, including, but without limitation, any approval of a subdivision, site plan, special permit or variance application proposing such development. “Development approval” shall also mean any permit for clearing, filling and grading where such permit is not part of or necessary to an approved subdivision, special permit or site plan that has completed SEQR and has applied for and received a permit pursuant to said approval. Development approval does not include any action by the Architectural Review Board. In addition, no new applications for any development approval shall be accepted and/or processed by any of the Town’s boards, unless expressly exempted from this moratorium pursuant to Section 3 below. This local law is binding on all Town boards, officers and employees and on all persons and property requiring a development approval within the Town.

B. This moratorium may be extended by two (2) additional periods of up to three (3) months by resolution of the Town Board upon a finding of need for such extension.

C. During the period of the moratorium, the Town shall endeavor to adopt an amended comprehensive plan and planning and zoning regulations of development in the Town.

**Section 3.** Exceptions to Moratorium.

A. The following types of development approvals or building permits may be granted or conditionally granted during the moratorium:

1. A building permit for the construction of a single-family or two-family home on an approved lot, or for the addition of an accessory building or structure to an existing single-family or two-family home.
2. Approval by the Zoning Board of Appeals of an application for an area variance or interpretation.
3. Approval of a commercial development which the Town Board has determined, on a case by case basis, to conform with the both comprehensive plan proposals as well as the current zoning.
4. Approval of a lot line adjustment.
5. Approval of an addition, alteration or reconstruction of an existing structure which results in no material change in such structure and which is not intended or designed to accommodate any new or different use of such structure.
6. Approval of a subdivision application that has undergone SEQOR review to the extent of issuance of a negative declaration or acceptance of a draft environmental impact statement prior to the date of adoption of this law.
7. The issuance of building permits to a property that has received a site plan or special permit approval provided, however, that said property is under development at the time of the adoption of this law.
8. A Bulk Land Transfer (as defined in the Town Zoning Law) for purposes of open space preservation.

B. No development approval application shall be accepted for review by any of the Town's boards, officers or employees on or after the date of adoption of this local law, except for an application seeking a development approval described in subsections A1-8 of this Section 3.

C. A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

D. An application for a development approval that is not described in subsection A

of this Section 3 shall not be accepted by the reviewing board or official during the moratorium. However, if a complete application for such development approval was submitted to the reviewing board or official prior to the date of introduction of this law, the applicant may request the Planning Board to continue review of the application, but such review shall be for SEQR purposes only.

E. This moratorium shall not prohibit the denial of an application.

**Section 4.** Administrative Relief from Moratorium.

A. In order to prevent an unlawful taking of property and to prevent irreparable harm, the Town Board is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property with any of the uses permitted in the relevant zoning district; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Town Board shall be the minimum necessary and the Town Board may impose conditions on any relief granted.

B. All such applications shall be actions subject to SEQR. The Town Board may designate the Planning Board or the Zoning Board of Appeals, as the case may be, as lead agency for such applications if the Town Board deems it advisable. In the event relief from the moratorium is granted by the Town Board, the applicant shall proceed to other Town board(s) or officials to apply for required development approval(s). Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

C. The applicant or any other person aggrieved by a decision of the Town Board hereunder may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

**Section 5.** Notice to Applicants - Change in Zoning Requirements.

This section provides notice to all applicants that although an application authorized in Section 3 or Section 4 above may proceed through the Planning Board and/or ZBA review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. A development approval shall not be granted unless the approved application complies with all zoning and other requirements in effect on the date of approval.

**Section 6.** Default Approvals Abolished.

Notwithstanding any law, rule, or regulation to the contrary, no development approval shall be granted, deemed granted or dispensed with as a result of the passage of time. Any and all development approvals granted during the period of the moratorium shall require the

affirmative vote of the reviewing board(s) with jurisdiction and endorsement of the plat or plan as otherwise required by law.

**Section 7.** Supersession of Inconsistent Laws, if any.

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

**Section 8.** Severability.

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

**Section 9.** Effective Date.

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



**Marissa Weiss Presentation  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

- **See included memo**

## MEMORANDUM

TO: Supervisor English and Town of Tuxedo Town Board Members  
FROM: Marissa G. Weiss, Esq.  
DATE: June 9, 2021  
RE: Recreational Cannabis Legalization—Deadlines for Municipal Opt-Out Local Law  
Our File 2506-021

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This memorandum serves as a supplement to our April 20, 2021 memorandum regarding the municipal impact of the Marijuana Regulation and Taxation Act (“MRTA”). The below information and timeline should be reviewed by all municipalities considering “opting-out” of allowing adult-use cannabis retail dispensaries and/or on-site consumption licenses from locating within their jurisdiction pursuant to MRTA § 131(1).

As a reminder, a municipality cannot opt-out of any other type of license or out of adult-use marijuana legalization generally.

If a municipality opts-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities, the Office of Cannabis Management (“OCM”) will lack authority to license the establishment of a retail dispensary and/or on-site consumption operation within that municipality’s jurisdiction. For a discussion of the merits of “opt-in” versus “opt-out,” please see the previous memorandum.

To opt-out of adult-use cannabis retail dispensaries and/or on-site consumption licenses, a municipality must adopt a local law no later than December 31, 2021. However, there are other statutory timeframes that must be satisfied. If the Town Board decides to adopt a local opt-out law, the following timeframes must be reviewed and adhered to in order to successfully “opt-out.”

The MRTA states that the local law must be made subject to a permissive referendum. The state Town Law provides that whenever a statute makes Board action subject to a permissive referendum, the Board may, on its own motion, subject that action to a referendum. Therefore, this memorandum addresses each alternative: (1) the local law is adopted subject to a permissive referendum, in which case a referendum is held only if a lawful petition requesting the referendum is submitted; and (2) the local law is adopted and submitted to a referendum on the Board’s own motion, eliminating the need for a petition.

Track 2 has the benefit of extending the timeline to adopt the opt-out law, as further discussed below. Track 1 has the benefit of the potential to avoid a referendum entirely if a petition is not filed. If you are considering an opt-out law, you should discuss upfront and determine which track the Board prefers.

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](mailto:mgw@jacobowitz.com).

**TRACK 1: QUALIFIED VOTERS INITIATE PERMISSIVE REFERENDUM, IF REQUESTED**

**STEP 1:** A local opt-out law is introduced before the Town Board following the same notice and hearing procedures as other local laws. A public hearing is held on at least 3 days public notice posted and published in the official town newspaper. The law is adopted and filed with the NYS Secretary of State. A copy of the law must also be sent to the OCM.

In order to meet the statutory deadlines in the following steps (assuming a referendum, if requested, is held at the November 2, 2021 general election), this local law must be adopted no later than **July 19, 2021**.

**STEP 2:** Pursuant to the MRTA, local laws in a county, city, or town are subject to a permissive referendum as provided in NYS Municipal Home Rule Law § 24. Therefore, in order to allow the required time to submit a petition requesting a referendum, no local opt-out law shall be effective until at least 45 days after its adoption (provided a petition is not submitted).

A referendum is a general vote by the municipal electorate on a single question that has been referred to the electorate for a decision. With regard to the opt-law law, the ballot question posed will be similar to: "Should Local Law \_\_-2021 ("[Insert Title]") be adopted?"

The petition itself must be signed by qualified electors of the municipality, totaling at least 10% of the total number of votes cast for governor in the Town at the last gubernatorial election. These voters must have been registered by the last preceding general election. The Town Clerk keeps a register of voters at his or her office. The petition may be made upon several sheets, bound together, although the signatures to each sheet must be signed and authenticated as provided by the NYS Election Law.

OR

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**STEP 3A: IF NO PETITION FILED**

If no petition is filed, the local law takes effect 45 days after adoption.

The OCM will thereafter be prohibited from issuing licenses to a dispensary and/or consumption facility within the Town.

**STEP 3B: IF PETITION FILED**

Within thirty (30) days after the petition is filed, or forty-five (45) days before the election (i.e. by Friday September 17, 2021 for the general election), whichever is earlier, the municipal clerk must examine the petition for statutory compliance and submit such certificate of compliance to the Town Board.

OR

**STEP 4A: PROPOSITION BALLOT REQUEST—GENERAL ELECTION**

The general election will be held on November 2, 2021. In order to include the requested proposition on the general election ballot, that proposition must be submitted to the public for a vote no earlier than sixty (60) days after the petition is filed. **Therefore, in order to be included on the November 2 ballot, any petition must be filed no later than September 1, 2021—sixty (60) days prior to the general election.**

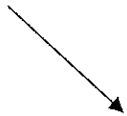
Note that the local Board of Elections may have other ballot submission requirements as well, such as the date to submit the ballot language to the Board of Elections.

**STEP 4B: PROPOSITION BALLOT REQUEST—SPECIAL ELECTION**

The Town Board also has the option of submitting the proposition at a special election. An opt-out local law would need to provide for the special election. The special election must be held sixty (60) days after the adoption of the opt-out local law providing for such special election. The local Board of Elections may have other ballot submission requirements as well.

As a special election is an added cost to Town, it is recommended that the Town Board follow the general election timeframe if possible to avoid the costs of holding a special election.

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**STEP 5:** In order for the local law to be effective, a majority of the qualified electors (i.e. 50 plus 1 (51%)) of those voting on the proposition must approve the proposition.

If that threshold is met, the local law is approved and the municipality has officially “opted-out” of permitting dispensaries and/or consumption facilities from locating within the municipality. The OCM will thereafter be prohibited from issuing licenses to a dispensary and/or consumption facility within the municipality.

If that threshold is not met, the local law fails and the municipality will be unable to “opt-out” of permitting dispensaries and/or consumption facilities from locating within that municipality. Based upon the rigorous timeframe above, the municipality could not pursue another local “opt-out” law prior to the December 31, 2021 deadline if the failed vote was held at the November 2, 2021 election.

Similarly, if a municipality instead held a special election after the general election, the above timeframes would also not be met prior to the December 31, 2021 deadline.

## **TRACK 2: TOWN BOARD INITIATES REFERENDUM**

**STEP 1:** A local opt-out law is introduced before the Town Board following the same notice and hearing procedures as other local laws. A public hearing is held on at least 3 days public notice posted and published in the official town newspaper. The law is adopted and filed with the NYS Secretary of State. A copy of the law must also be sent to the OCM.

Pursuant to Municipal Home Rule Law § 24(2)(j)(2), the Town Board must also include in the opt-out local law and resolution of adoption the requirement that the local law will be submitted for referendum upon the Board’s own motion. The Town Board should pick a date for the referendum (see Step 2A/2B).

In order to meet the statutory deadlines in the following steps (assuming the referendum is held at the November 2, 2021 general election), this local law must be adopted no later than **September 1, 2021**.

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OR

**STEP 2A: REFERENDUM—GENERAL ELECTION**

The general election will be held on November 2, 2021. In order to include the requested proposition on the general election ballot, that proposition must be submitted to the public for a vote no earlier than sixty (60) days after the local law is adopted via resolution. ***Therefore, in order to be included on the November 2 ballot, the local law resolution of adoption must be adopted no later than September 1, 2021—sixty (60) days prior to the general election.***

Note that the local Board of Elections may have other ballot submission requirements as well, such as when the ballot language must be submitted to the Board of Elections.

**STEP 2B: REFERENDUM—SPECIAL ELECTION**

The Town Board also has the option of submitting the proposition at a special election. A local law would need to be adopted which would provide for the special election. The special election must be held sixty (60) days after the adoption of the local law providing for such special election. The local Board of Elections may have other ballot submission requirements as well, such as submission deadlines for the ballot language.

As a special election is an added cost to Town, it is recommended that the Town Board follow the general election timeframe if possible to avoid the costs of holding a special election.

**STEP 3:** In order for the local law to be effective, a majority of the qualified electors (i.e. 50 plus 1 (51%)) of those voting on the proposition must approve the proposition.

If that threshold is met, the local law is approved and the municipality has officially “opted-out” of permitting dispensaries and/or consumption facilities from locating within the municipality. The OCM will thereafter be prohibited from issuing licenses to a dispensary and/or consumption facility within the municipality.

If that threshold is not met, the local law fails and the municipality will be unable to “opt-out” of permitting dispensaries and/or consumption facilities from locating within that municipality. Based upon the rigorous timeframe above, the municipality could not pursue another local “opt-out” law prior to the December 31, 2021 deadline if the failed vote was held at the November 2, 2021 election.

Similarly, if a municipality instead held a special election after the general election, the above timeframes would also not be met prior to the December 31, 2021 deadline.

**DEPARTMENT UPDATES  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**TOWN SUPERVISOR/TOWN BOARD UPDATE  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**



**MINUTES  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**Resolution Accepting Minutes**

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on June 14th.

<b>ON ROLL-CALL VOTE:</b>	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**  
**June 14, 2021**

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, June 14th, via WebEx, and called to order by Supervisor English at 7:01 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; John Banyo, Planning Board Chairman; Deirdre Murphy, Planning Board Member

**Public Comments on Agenda Items:**

- There were no public comments on the agenda items.

**AGENDA ITEM:**

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

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

<b>ON ROLL-CALL VOTE;</b>	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**  
**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.

Discussion: A minor modification of adding a manager's office was made to their original plan and that is why the applicant came before the Town Board again.

<b>ON ROLL-CALL VOTE;</b>	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**  
**June 14, 2021**

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

Discussion: Attorney Protter explained that the owner passed away prior to completing the process of getting the Site Plan approval. The Estate is trying to bring the property into compliance.

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

The Supervisor declared this resolution adopted.

Dated: June 14, 2021

**Regular Town Board Meeting**  
**This meeting was held virtually through WebEx**  
**June 14, 2021**

**4. Resolution to authorize Jacobowitz and Gubits to prepare RFP for solar system project for Highway Department roof**

Resolved, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to authorize Jacobowitz and Gubits to prepare a RFP for the solar system project for the Highway Department roof.

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

**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.**

No action was taken. A public informational session will be held at the next Town Board meeting on June 28<sup>th</sup>. Attorney Marissa Weiss will give a presentation and the Board would like to get feedback from residents.

**Regular Town Board Meeting**  
**This meeting was held virtually through WebEx**  
**June 14, 2021**

**DEPARTMENT UPDATES**

- John Banyo, Planning Board Chairman, gave an update on an application before the Planning Board for a clearing, grading and filling permit from the Watchtower Group. No action was taken on the permit at the May 11<sup>th</sup> meeting because Ramapo did not complete the SEQR process. The Town Planning Board is requesting for segmentation of the project, which will allow the portion of work being done in Tuxedo to be processed independently. This would allow the Watchtower to begin the permanent exit/entrance, which will now align with Eagle Valley Road. The Draft Environmental Impact Statement was submitted to Ramapo by Watchtower and the Town will respond in writing about two concerns. One concern is traffic since the original traffic study was done during the Pandemic and would not show an accurate representation. The other concern is excessive noise, which the Town will request to limit working hours. A Public Hearing will be scheduled in the future once the Ramapo Planning Board responds to the Town Planning Board.
  
- Robert Dollbaum, Highway Superintendent, said they will begin chip sealing on Wednesday. The loose stones have to sit for a week and then they will be swept up. After that they will continue with the crack sealing in other areas. They will also clean and repair catch basins. Work on the dirt pile is moving along. The Watchtower Group is planning a site visit to begin their work on the dirt pile. There is mulch and compost in the bins at Quarry Field for residents to take. There is a large pile of stone also at Quarry Field, but it is for the roadwork being done and is not for residents to use.

**Minutes**

Motion made by Deputy Supervisor Lindsay, seconded by Councilmember McMillen to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on May 24<sup>th</sup>.

<b>ON ROLL-CALL VOTE;</b>	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**  
**June 14, 2021**

**MONTHLY REPORTS**

Supervisor English is in receipt of the monthly reports for May from the Police Department, Justice Department, Building Department and Town Clerk.

**TOWN SUPERVISOR UPDATE**

- On May 13<sup>th</sup> Supervisor English stated the next Tuxedo Farms LDC meeting will be on June 24<sup>th</sup> at 10am via Harris Beach Webex. He encouraged anyone connected to Town's Wastewater Treatment Plant to attend. The Summer Day Camp registration is closing on June 18<sup>th</sup>. Camp starts on July 7<sup>th</sup> and ends August 12<sup>th</sup>. The Renaissance Faire has contacted the Town to let them know they will be operational this year. He is working with their CEO on an unpaid balance for security that the Tuxedo Police Department provided. The balance should be paid in full by July. The Town Board is in the final stages of updating the Zoning Code. A 5 year Police contract has been ratified and the contract will be presented to the public during a meeting. Supervisor English gave an update on the Police Reform Reinvention to the Governor's representative. There will be a public presentation in July on the committee's report and he thanked everyone for their hard work. There will also be an open house at the Police station in August for anyone that would like a tour.

**TOWN BOARD UPDATES**

- Michele Lindsay, Deputy Town Supervisor, said the approval is finalized to finish the ramp for back door at Town Hall. A Public Hearing will be held on Thursday 6/17 at 7pm via Webex for another proposed CDBG application. Tuxedo can only qualify for senior citizen and ADA improvements through this grant because of Tuxedo's median income. She toured the Train Station bathrooms with Councilmember Reichgott to potentially bring them up to current ADA code. There are 21 artists painting around Tuxedo for the Plein Air event. The Artist's reception is on Friday, June 18<sup>th</sup>, which will be catered by Heather Bullard. The expenses for this event are covered by sponsors, registration fees from artists and grants obtained the Town and Library.
- Maria May, Councilmember, had nothing to report
- Jay Reichgott, Councilmember, stated the bathrooms at the Train Station needed minor changes to become ADA compliant. They could also become universal bathrooms.
- David McMillen, Councilmember, said Optimum will do a site survey on Contractor's Road for potential service on June 23<sup>rd</sup>. Optimum has been in contact with MTA, but they are trying to come up with an alternative plan. Altice has a modem that works off of cellular data and it becomes a broadband router. That may be a better option than running wires under the train tracks. He will keep everyone updated.

**Regular Town Board Meeting**  
**This meeting was held virtually through WebEx**  
**June 14, 2021**

**VOUCHERS:**

**RESOLVED**, 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: 2012918497 through 2012918601

Voucher 2012918525 was deleted

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
<b>Total Abstract Amount:</b>	<b>\$290,694.69</b>

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

**PUBLIC COMMENTS**

- There were no public comments.



**Regular Town Board Meeting**  
**This meeting was held virtually through WebEx**  
**June 14, 2021**

**ADJOURNMENT**

**RESOLVED**, motion made by Supervisor English, seconded by Councilmember Reichgott to adjourn the meeting at 9:10 p.m.

<b>ON ROLL-CALL VOTE;</b>	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

**VOUCHERS  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 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: 2012918602 through 2012918642

General Fund :	\$62,350.59
Part-Town Fund:	\$1,556.52
Highway Town Wide :	\$2,073.33
Highway Part Town	\$16,229.27
<b>Total Abstract Amount:</b>	<b>\$82,209.71</b>

**ON ROLL-CALL VOTE:**

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

\_\_\_\_\_  
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**PUBLIC COMMENTS  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**PUBLIC COMMENTS**

**OTHER BUSINESS  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 2021**

**ADJOURNMENT  
TOWN BOARD MEETING  
TOWN OF TUXEDO  
June 28, 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	_____