

Regular Town Board Meeting
This meeting was held virtually through WebEx
December 14, 2020

The Regular Town Board Meeting of the Town of Tuxedo was held on Monday, December 14th, via WebEx, and called to order by Supervisor English at 7:01 pm.

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:

Mr. David McMillen	Councilmember
Ms. Maria May	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. Brian Sullivan, Bookkeeper; Mr. Robert Dollbaum, Highway Superintendent; David Maikisch, Building Inspector; Deirdre Murphy, Planning Board Member; Mr. Frank Peverly, Zoning Board Chairman

PUBLIC HEARING – 2021 WOODLANDS SEWER RATES

Notice of Public Hearing having been posted, distributed by electronic mail and published on the Town website, and proof of publication in the *Times Herald Record* having been furnished, a Public Hearing held before the Town Board of the Town of Tuxedo on Monday December 14, 2020 via WebEx was called to order by Supervisor Kenneth English at 7:03 p.m.

Supervisor English explained that it is a statutory requirement for the Town Board to hold this Public Hearing. Under the NYS Transportation Corporation Law, sewer rates for private sewer companies are subject to Town Board approval after a public hearing. As the rates are set yearly, the Town Board must have a hearing every year. He reviewed the budget and noted the assessment remained constant at \$121,680 for three years and a budget surplus of \$345,084. Town Attorney Howard Protter further explained the reason for Town Board oversight of the sewer is to make sure the system is run appropriately and to have an adequate reserve. There were no comments from the other Town Board members. Frank Peverly, former Woodlands

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HOA President mentioned that the sewer is run well, there are healthy reserves, and there will be sand bed replacements over the next few years. Francine Liza, Trustee of the Woodlands HOA, was unable to speak during the virtual meeting due to technical difficulties. She submitted her update via email. She confirmed there is no increase to the sewer budget. There is a Sewer Plant operator that monitors the site for appropriate functions seven days a week. She reiterated that three sand beds will be replenished following DEC guidelines and a plant manager will oversee that project.

PUBLIC COMMENTS

There were no public comments.

RESOLVED, motion made by Supervisor English seconded by Councilmember May, that, all persons desiring to be heard, having been heard, the Public Hearing regarding the 2021 Woodlands Sewer rates be closed at 7:13 p.m.

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

RESOLVED, motion made by Supervisor English seconded by Deputy Supervisor Lindsay that the Town Board accepts the 2021 Woodlands Sewer Rates.

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

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MINUTES:

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay to accept the minutes of the Regular Town Board Meeting held on November 23rd.

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

TOWN SUPERVISOR UPDATE

- Kenneth English stated the Tuxedo Farms LDC has a scheduled attorney-client meeting on Thursday, December 17th at 11am with Harris Beach and Howard Protter. They will review the recommendations from Special Counsel, Lana Ivy. They are trying to re-establish communication with Related and move their goal forward of activating the Waste Water Treatment Plant by July 1, 2021. Supervisor English, Deputy Supervisor Lindsay, Town Attorney Protter and Labor Consultant Michael Richardson met with Tuxedo PBA representatives on December 3rd to continue Police contract negotiations. Discussions on the contract will continue during tonight's Executive Session. On December 9th, Supervisor English, Highway Superintendent Dollbaum, Councilmember Reichgott, Town Engineer Sean Hoffman, and Environmental consultants met to discuss the dirt pile on Long Meadow Road. Their goal is to establish a required chemical sampling plan to begin removing materials from the site. He commended Highway Superintendent Dollbaum and the Highway Department for the progress they have made cleaning up the area. Supervisor English and Councilmember Reichgott met with two tenants at the Long Meadow Rd. property to discuss lease renewals. It was determined that the current rents are well below market value and they will be increased by twenty percent. The security deposit required will also be increased to help protect the Town in case of any damages. A one year extension on their leases was offered. The Town Board will monitor the use of the property to ensure that it will be protected since it is an environmentally sensitive watershed area. The Town Justice Court has been notified by the NYS Court System to cancel all in person court appearances since there has been an

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increase in positive COVID cases. The Court does offer online payments so that will help reduce traffic in Town Hall. Additionally the Governor has extended the executive order to hold meetings virtually until January 1, 2021. The Town Board, Planning and Zoning Board meetings will continue to be held via Webex. He reminded everyone to exercise caution during the holiday season.

TOWN BOARD UPDATES

- Michele Lindsay, Deputy Town Supervisor, stated that the Joint Town and Village Climate Smart Community Task Force met on December 7th. The meetings are held the first Monday of every month and invited residents to join. They are preparing the Community Choice Aggregation to present during a public meeting.
- Maria May, Councilmember, gave an update on the Route 17 construction project in Sloatsburg. There were two projects on the roads that were going on simultaneously. The work has stopped for the winter. Pot holes were filled and the metal plates were removed. Both projects should be completed by September 2021. She will provide the information on the Town website.
- Jay Reichgott, Councilmember, reminded residents to be prepared for the possible one to two feet of snow that was expected from Wednesday into Thursday.
- David McMillen, Councilmember, noted the passing of former Town Supervisor Ted Hoffman. He was the Supervisor of Tuxedo from 1975-1976 and was an active member of the Fire Department.

MONTHLY REPORTS:

Supervisor English acknowledges he is in receipt of monthly reports for the month of November:

Justice Department
Town Clerk
Police Department

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DEPARTMENT UPDATES

- Rob Dollbaum, Highway Superintendent, stated that today was the last day for leaf pickup and going forward they must be bagged. The roof on the records room was completed. They are preparing for the snow storm and he gave a reminder to residents to not park on the road so the plows can get through. They will begin work on separating materials in front of the Highway Department in the next week or so. Electronic recycling drop off on Long Meadow Rd. will continue until the end of January. He also mentioned there is a chronic dumping problem of large amounts of yard waste on East Mombasha and Orange Turnpike. Sterling Forest State Park cleaned up the area once and the problem still continues. He asked residents to reach out if anyone notices anyone dumping in that area.

- Marisa Dollbaum, Town Clerk, stated that she was in the process of getting reinstated with the DEC to be able to provide residents with hunting and fishing licenses.

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: 2012917685 to 2012917761
Claim numbers: 2012917709 was deleted due to an entry error

General Fund :	\$176,174.73
Part-Town Fund:	\$16,194.60
Highway Town Wide :	\$12,453.40
Highway Part Town:	\$2,778.45
Refuse and Garbage Disposal	\$30,323.10
Hamlet Sewer District:	\$5,853.50
Total Abstract Amount:	\$246,800.70

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

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There were no public comments on the agenda items.

AGENDA ITEMS:

1. Annexation Petitions of Rattlesnake Mountain Preserve, LLC

Town Attorney Howard Protter explained the Town is in receipt of two petitions for annexation of vacant land. He said the resolution below is the first step of the process and that a joint Public Hearing will be held with the Town and Village so that residents can be heard if the annexation is in the public interest. He noted that the petitions are incomplete since the required State Environmental Quality Review Act forms are missing.

Discussion:

Councilmember Reichgott would like the applicant to provide a map for review as the process continues. Supervisor English would like the Village to take lead agency.

Whereas the Town Board is in receipt of a petition by RATTLESNAKE MOUNTAIN PRESERVE, LLC. for the annexation of territory known as section 9, block1, lot 26, located in the Town of Tuxedo, for annexation into the Village of Tuxedo Park of vacant lands consisting of approximately 24.8 acres (Parcel #1); and

Whereas the Town Board is in receipt of a second petition by RATTLESNAKE MOUNTAIN PRESERVE, LLC. for the annexation of territory known as section 8, block1, lot 25, located in the Town of Tuxedo, for annexation into the Village of Tuxedo Park of vacant lands consisting of approximately 28.6 acres (Parcel #2); and

Whereas said annexation of Parcel #1 , formerly known as the Fox Hill Tract was contemplated by the duly authorized agreements and resolutions by the Town and the Village of Tuxedo Park at the time of the conveyances of open space by the Related Companies to the Town and the Village; and

Whereas the Town will be required to process the applications in accordance with the requirements of the General Municipal Law and the State Environmental Quality Review Act; and

Whereas the Petitioner has not submitted to the Town any of the required SEQRA forms as required under the law and is therefore incomplete; and

Whereas the Petitions have been submitted to the Village of Tuxedo Park as required by the General Municipal Law; and

Whereas the Petitions indicate that the intent of the annexation is to facilitate the subdivision of the lands into residential lots; and

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Whereas the Town and the Village need to coordinate their review of the Petitions under the State Environmental Quality Review Act; and

Now therefore be it resolved as follows:

1. Receipt of the Petitions is hereby acknowledged.
2. The Petitions are deemed incomplete without the required SEQRA forms and cannot be processed without them.
3. Upon submission of the required SEQRA forms, the Town shall consider Lead Agency Status;
4. The Petitioner shall deposit with the Town the sum of \$2500 as a good faith estimate to cover the costs and expenses of the town in processing these applications;
5. The Town Attorney is authorized to communicate and coordinate with the applicant and the Village attorney for scheduling of the joint public hearings.

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

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2. Resolution Authorizing Agreement for Snow and Ice Control on Old Forge Road in Warwick

Discussion:

Supervisor English provided the information from Highway Superintendent stating that most years the average is sixteen storms per year at approximately 1.5 man hours per storm. There is an overtime rate of \$127.50 which equals approximately \$3,060.00 of labor cost. One ton of salt per storm is used on average at \$85.00 which equals \$1,360.00. That totals \$4,420.00 per year, but does not include any double time or additional storms.

RESOLVED, motion made by Supervisor English, seconded by Deputy Supervisor Lindsay that the Town Board hereby authorizes the Town Supervisor to execute and agreement with the Town of Warwick whereby the Town will provide services for the control of snow and ice on Old Forge Road for the 2020-2021 season, at the compensation rate of \$6,000.00.

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

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3. Resolution Moratorium Relief for SOS/Gulf Station

This agenda item was tabled.

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4. Resolution Authorizing the Removal of Unlicensed Vehicles from 1048 Route 17 Southfields, NY

Discussion:

Supervisor English stated that this resolution would be to establish the Town Board's intention to enforce Town Code related to excessive storage of unregistered and "junk" vehicles on a specific residential property. The residence in in Southfields and has more than forty vehicles on site, which is a violation of Town Code. The violation was brought to the homeowner's attention and Code Enforcement Officer, Dave Maikisch, has had several communications with the resident. This resolution will authorize the Code Enforcement Officer to work with the property owner to determine what needs to be removed. Nick Kunkel, son of George Kunkel, stated nine vehicles had already been removed and he is working to help his father comply with Town Code.

Whereas Town Code section 94-4 provides in relevant part:

"It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of property within the Town of Tuxedo, to store or deposit, or cause or permit to be stored or deposited, an abandoned, junk or discarded vehicle, or part

or piece thereof, on any private property within the Town of Tuxedo, unless:

A. Such vehicle is stored or deposited in a completely enclosed building; or
B. Such vehicle is under repair, reconstruction or refurbishing by the owner thereof, who must actually be residing upon the premises. Such vehicle must be maintained and protected so as not to create any safety hazard or nuisance to surrounding property owners and shall not remain on the premises for more than one month."

And

Whereas on January 30, 2020 the town code enforcement officer David Maikisch sent to Donna Kunkel, the owner of property located at 1048 Route 17 Southfields New York, a notice of violation and order to remedy requiring the removal of all unlicensed vehicles located on that property within five days in accordance with Town Code Section 94-5; and

Whereas thereafter on several occasions the Mr. Maikisch spoke with George Kunkel a resident at the property regarding the removal of the vehicles and no vehicles having been removed after ten months; and

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Whereas on December 3, 2020 Mr. Maikisch sent a second order to remedy and notice of violation to Donna Kunkel again requiring the removal of the vehicles within five days and advising Mrs. Kunkel that this matter would be brought to the attention of the town board for its action to cause the removal of the vehicles by town board authority established under town code section 94-7 in the event the vehicles remained on the property as of the date of this town board meeting; and

Whereas section 94-7 provides in relevant part:

“The Town Board, by resolution, may cause any abandoned, junk, discarded or unlicensed vehicle as herein defined to be removed from any property within the Town of Tuxedo upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit. Said removal may be performed by the Building Inspector or other designee, including a private contractor. The Town Board shall ascertain the cost of such removal, and such cost shall be charged and assessed against the owner, tenant or occupant of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges. The removal of any abandoned, junk, discarded or unlicensed vehicles by the Town of Tuxedo or its designee shall not operate to excuse such owner, tenant or occupant from properly maintaining their property as hereinabove set forth, and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties above mentioned.”

And

Whereas, the Code Enforcement Officer reports that the violation persists to this date.

Now, therefore be it resolved as follows:

1. The board authorizes the removal of all unlicensed vehicles located at 1048 Route 17 Southfields New York as of January 14, 2021.
2. The removal shall be by the Building Inspector or a private contractor and that the cost of such removal, inclusive of any costs of storage as may be imposed, shall be charged and assessed against the owner, tenant or occupant of the property.
3. The expense so assessed shall, if unpaid, constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.
4. A copy of this resolution shall be delivered to the property owner and the occupant by mail or by in hand delivery to the premises within three days of this resolution.
5. The Code Enforcement Officer shall visit the premises on January 14 for purposes of determining whether any vehicles in violation of Chapter 94 remain on the premises and shall report same to the Town Supervisor who is authorized to procure the removal services of a private contractor to effect the removal.

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6. That the removal by the Town Board does not prevent criminal charges being lodged by the code enforcement officer for the violations in accordance with Section 94-6.

On a motion by Supervisor English seconded by Deputy Supervisor Lindsay, the resolution was adopted.

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

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Other Business

Extension of Moratorium on Development Approvals

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 local law was accepted and filed by the New York State Department of State on June 26, 2020 (as Local Law 3 of 2020), which is the local law’s effective date; and

WHEREAS, the purpose of the local law is to preserve the status quo pending the adoption of an amended zoning code in accordance with the newly revised comprehensive plan in order to provide for controlled growth that will: not unduly impact the public welfare, community services, schools and infrastructure; preserve open space; and plan for a proper mix of residential and commercial development; and

WHEREAS, while the Town Board has been working diligently with the Town Planner and Town attorneys to draft an amended zoning code for the public’s review, their work is not yet completed; and

WHEREAS, the moratorium law, which provides for an initial moratorium period of six (6) months, also provides that the moratorium may be extended by two additional periods of three (3) months by resolution of the Town Board upon a finding of need for such extension; and

WHEREAS, this Board finds that there is a need for such extension in order to allow the Town Board and its consultants to continue their work and recommend an amended zoning code.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Tuxedo extends the moratorium and the terms and conditions of the moratorium local law for a period of three months, said time period to begin on December 26, 2020.

On a motion by Deputy Supervisor Lindsay, seconded by Councilmember May, the foregoing resolution was adopted.

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

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PUBLIC COMMENTS

- Resident Evelyn David asked about the Emergency Response Plan for the Arden dam. Councilmember Reichgott said he is working with the Planning Board and waiting for the updated version of the plan.

Supervisor English adjourned to enter an Executive Session to discuss PBA contracts, lease agreements and litigation regarding code violations.

ADJOURNMENT

RESOLVED, motion made by Councilmember May, seconded by Deputy Supervisor Lindsay to adjourn the meeting at 10:19p.m.

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

Respectfully submitted,



Marisa Dollbaum
Town Clerk
Town of Tuxedo