

**Regular Town Board Meeting  
Town of Tuxedo  
1 Temple Dr., Tuxedo, NY 10987  
Also via Zoom  
October 12, 2022**

Deputy Supervisor Lindsay called to order the Town Board Meeting of October 12, 2022 at 7:08pm.

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

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

Town Board Member Absent:       None

**Recording Secretary:** Marisa Dollbaum   Town Clerk

**Oath of Office**

Police Chief John Trazino was sworn in by Deputy Supervisor Lindsay.

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**Open Public Hearing - Tax Levy Limit Override 2023 Fiscal Year**

A public hearing on Introductory Local Law – Tax Levy Limit Override for 2023 Fiscal Year was opened by Deputy Supervisor Lindsay at 7:15pm.

**Draft of Local Law:**

**INTRODUCTORY LOCAL LAW  
TAX LEVY LIMIT OVERRIDE/2023 FISCAL YEAR**

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

**Section 1.**      *Legislative Intent.*

*It is the intent of this local law to allow the Town of Tuxedo to adopt a budget for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.*

**Section 2.**      *Authority.*

*This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the governing body.*

**Section 3.**      *Tax Levy Limit Override.*

*The Town Board of the Town of Tuxedo, County of Orange, is hereby authorized to adopt a budget for the Town of Tuxedo and for each of the special districts located within the Town of Tuxedo, for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.*

**Section 4.**      *Severability.*

*If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its*

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*application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.*

Section 5.      *Effective Date.*

*This local law shall become operative and take effect immediately upon adoption.*

**Public Comments**

Mike Santoianni, Clubhouse Rd., "I started 12 years on the school board and to my knowledge a school district cannot do this same thing. They have to put out any increase over the cap to a budget vote like the public and that's very important relative to the next year that you're going to proceed with the related project."

John McNamara, "I'm not sure why you would go ahead and vote for the tax limit cap to be exceeded because you're heading into negotiations with various departments various vendors and now you've just tipped your hand that you can spend more money if need be."

**Close Public Hearing:**

RESOLVED, Motion made by Deputy Supervisor Lindsay seconded by Councilmember May, that all persons desiring to be heard, having been heard, the Public Hearing regarding Introductory Local Law #6 of 2022 Tax Levy Limit Override 2023 Fiscal Year, which be closed at 7:17pm.

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

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**Open Public Hearing:**

A public hearing on Introductory Local Law #5 of 2022 which amends previous Introductory Local Law #4 of 2022 to increase the minimum required number of single family detached dwelling units from 239 to 269 as a condition of the continued grandfathering of Tuxedo Farms under the prior PID zoning regulations in the Town of Tuxedo subject to specified development thresholds was opened by Deputy Supervisor Lindsay at 7:22pm.

**Draft of Local Law:**

**INTRODUCTORY LOCAL LAW NO 5 OF 2022  
A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 2011**

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

**Section 1.**     *Findings and History.*

- A. Local Law No.4A of 1998 repealed and reenacted zoning regulations governing planned integrated developments in the Town. Section 2 of that Local Law exempted the Tuxedo Reserve Project (also called Tuxedo Farms) from review under the new zoning regulations, subject to the Tuxedo Reserve Project complying with certain limits on the number of single-family dwellings that could be developed, including an overall maximum number of 1,195 residential dwellings of which no less than 866 must be single family detached and semidetached units.*
- B. On November 15, 2004, the Town Board issued a Special Permit and approved a Preliminary Plan for Tuxedo Reserve Planned Integrated Development.*
- C. The Town Board issued amended Special Permits for Tuxedo Reserve Planned Integrated Development in 2010 (and in 2015).*
- D. Local Law #4A of 1998 was amended by the Town Board by adoption of Local Law #5 of 2010 concurrent with the approval of the 2010 Special Permit which authorized a revised unit mix for the Project (Local Law #5 was later renumbered and filed as Local Law #3 of 2011). Local Law #3 provided that "no more than 1,195 residential dwelling units may be constructed on the Tuxedo Reserve planned integrated development of which no more than*

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*180 units shall be rental and no less than 764 shall be single family detached and semidetached. An additional 180 dwelling units may be constructed provided those units are constructed for senior citizens and persons in need of congregate care or assisting living."*

- E. *The developer of Tuxedo Reserve has applied to the Town Board to approve certain modifications to the Project's Special Permit and Preliminary Plan. The application to amend the Special Permit and Preliminary Plan proposes to change the minimum required number of single family detached units to 269 and the minimum duplex units to 174. It also proposes to increase the maximum number of residential dwellings to 1,609, of which no more than 500 units shall be multi-family units.*
- F. *The Town Board finds that it is in the public interest to continue to grandfather Tuxedo Reserve under the Town's pre-existing zoning regulations governing planned integrated developments and to change the minimum required number of single family detached units to 269 and the minimum number of duplex units to 174, and to increase the maximum number of residential dwellings to 1,609, of which no more than 500 units shall be multi-family units.*

**Section 2.**      *Amendment of Local Law No. 3 of 2011*

*Paragraph 1 of Section 2 of Local Law No. 3 of 2011 is amended to read as follows:*

*"1. No more than 1,609 residential dwelling units may be constructed on the Tuxedo Farms Planned Integrated Development of which no more than 500 units shall be multi-family units and no less than 269 units shall be single family detached units and no less than 174 shall be duplex units."*

**Section 3.**      *Severability.*

*The provisions of this local law are declared severable, and if any section or subsection of this local law is held to be invalid, such invalidity shall not affect the other provisions of this local law that can be given effect without the invalidated provision.*

**Section 4.**      *Repeal.*

*All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.*

**Section 5.**      *Effective Date.*

*This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule*

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**Public Comments**

Transcripts of the public comments are attached.

**Close Public Hearing:**

RESOLVED, Motion made by Supervisor English, seconded by Councilmember Reichgott that all persons desiring to be heard, having been heard, the public hearing on Introductory Local Law #5 of 2022 which amends previous Introductory Local Law #4 of 2022 to increase the minimum required number of single family detached dwelling units from 239 to 269 as a condition of the continued grandfathering of Tuxedo Farms under the prior PID zoning regulations in the Town of Tuxedo subject to specified development thresholds be closed at 8:13pm.

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

**Agenda Item #1**

**RESOLUTION OF ADOPTION  
“TAX LEVY LIMIT OVERRIDE 2023 FISCAL YEAR”**

WHEREAS, an introductory Local Law entitled “Tax Levy Limit Override 2023 Fiscal Year” was introduced before the Town Board of the Town of Tuxedo on September 26, 2022, and upon notice duly published and posted, a hearing was held on October 12, 2022, before the Town Board, and

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

NOW, THEREFORE,

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BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Tax Levy Limit Override 2023 Fiscal Year” is a Type II Action and is determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Tax Levy Limit Override 2023 Fiscal Year” be and hereby is adopted as Local Law #6 of 2022 of the Town of Tuxedo on October 12, 2022.

On the motion of Councilmember Reichgott, seconded by Supervisor English, the foregoing resolution was adopted, on a roll call of 5 Ayes, 0 Nays.

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

**Discussion Item:**

Rockland Paramedics, Inc. Contract – A copy of the presentation is attached to the minutes.

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**Monthly Reports**

Deputy Supervisor Lindsay is in receipt of the following monthly reports:

- Building Dept.
- Justice Court
- Town Clerk

**Department Updates:**

- Marisa Dollbaum, Town Clerk, announced upcoming events in Tuxedo. On October 16<sup>th</sup> there is the spaghetti dinner hosted by Sons of Italy and a presentation at the Tuxedo Historical Society. The Sons of Italy is hosting a community garage sale on October 22<sup>nd</sup>. The Town is hosting Trunk or Treat at Powerhouse Park on Sunday October 30<sup>th</sup>. She also posted information on the Town's website about current food drives by the TUFSD. She also gave a reminder that the General Election is Tuesday, November 8<sup>th</sup>.

**TOWN SUPERVISOR/TOWN BOARD UPDATE:**

- Supervisor English has been working hard to move Tuxedo Farms forward and wants to get this project right. He thanked the Town employees for a successful Family Fun Day.
- Deputy Supervisor Lindsay continues to work on the Community Choice Aggregation Program with Joule. A meeting with Town Hall employees will take place on October 19<sup>th</sup> to start the education portion of the program.
- Councilmember Reichgott gave a reminder that the Food Truck Local Law public hearing is scheduled for October 24<sup>th</sup>. He would like to start discussing zoning regulations for marijuana dispensaries since Tuxedo seems to be the only municipality in the region that did not opt out of allowing them.
- Councilmember Murphy said Plein Air event was successful with over 200 visitors. She thanked the Tuxedo Chamber of Commerce for co-sponsoring the event.



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**MINUTES**

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember Murphy to accept the Minutes of the Regular Bi-Monthly Town Board Meeting held on September 26, 2022.

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

**VOUCHERS**

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Councilmember May, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012920621 through 2012920687

General Fund:	\$23,331.75
Part-Town Fund:	\$6,990.20
Highway Town Wide:	\$5,832.62
Highway Part Town	\$2,740.53
Hamlet Sewer District	\$17,902.90
Trust and Agency	\$0
<u>Total Abstract Amount:</u>	\$156,798.00

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

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**PUBLIC COMMENTS**

- Resident Jerry Mottola asked if the speed radar trailer that was recently hit will be replaced. He also requested to have more Police presence on Route 17. Supervisor English said the speed radar trailer will be replaced and the Town sent canvas letters to hire two full-time Police Officers.
  
- Resident Mary Graetzer asked if the new Chief of Police would have the ability to download the information from the speed radar trailers. Councilmember Reichgott said he believes the data is downloaded automatically on a computer.

**OTHER BUSINESS**

The Town Board discussed hiring a part-time Clerk. There is an available position open on the Town's roster for a part-time Clerk and there is money in the budget. The position is non-competitive.

**ADJOURNMENT**

RESOLVED, Motion made by Deputy Supervisor Lindsay, seconded by Supervisor English to adjourn the meeting at 9:05pm.

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

Respectfully submitted,



Marisa Dollbaum  
Town Clerk  
Town of Tuxedo