

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

Supervisor McMillen called to order the Town Board Meeting of June 11, 2025 at 7:00pm.

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

Town Board Members Present:	Mr. Dave McMillen	Supervisor
	Ms. Deirdre Murphy	Deputy Supervisor
	Mr. Chris Dollbaum	Councilmember
	Mr. Adam Eirand	Councilmember

Town Board Member Absent:	Mr. Chris Kasker	Councilmember
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Recording Secretary: Marisa Dollbaum Town Clerk

Other Town Officials Present in person: Town Attorney Ben Gailey; Highway Superintendent Robert Dollbaum

IWS Presentation

Marisa Kellerhouse from Interstate Waste Services said the last contract with Tuxedo was negotiated in 2020. Given rising disposal costs, it may be time to revisit the pricing structure. Tuxedo should consider shifting from a flat rate to a per-unit pricing model to better align with actual usage and control expenses. Additionally, reducing the pickup frequency from twice a week to once a week could help keep overall costs down.

Public Comment(s) on Agenda Items

There were no public comments.

Agenda Item #1 - Resolution of SEQR Negative Declaration for Powerhouse Park

**TOWN OF TUXEDO TOWN BOARD
RESOLUTION OF SEQR DECLARATION
POWERHOUSE PARK IMPROVEMENTS**

WHEREAS: The Town Board is seeking to construct improvements in Powerhouse Park, including (1) installation of a playground and ball courts; (2) construction of walking trails, riverwalk and bridge; (3) construction of dog parks; (4) reconfiguration of the parking lot; and (5) construction of a stage with an outdoor seating area (the “Project”). The properties are identified Tax Map Nos. 209-1-17.11 and 209-1-17.12, with frontage along Powerhouse Lane and New York State Route 17, and containing a total of 33.5 +/- acres. The Town’s professional consulting engineer, Lanc & Tully Engineering & Surveying, P.C., has advised the Town Board that the proposed Project is preliminarily classified as a SEQR Unlisted action and coordinated SEQR review of the action is appropriate.

By prior Resolution, the Town Board stated its intent to be SEQR Lead Agency for coordinated SEQR review of the proposed Project and circulated the Full Environmental Assessment Form Part 1 and concept plans, along with a copy of the Resolution stating the Board’s intent, to potential involved agencies known at that time. Thirty (30) days have elapsed since such notice was given and no objections were received to the Board’s intent.

NOW, THEREFORE, IT IS RESOLVED that the Town Board designates itself as Lead Agency for coordinated SEQR review of the proposed Project.

IT IS FURTHER RESOLVED as follows:

Name of Action: Powerhouse Park Improvements

SEQR Status: Unlisted

Site Location: See above

Description of Action: See above

Reasons Supporting This
Determination:

In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and evaluated relevant areas of potential environmental

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

concern to determine whether this action may have a significant adverse impact on the environment. The Board has reviewed the Full Environmental Assessment Form Part 1 and draft

Part 2 prepared by the Board's professional consulting engineer, the Powerhouse Park Trail Plan prepared by NY-NJ Trail Conference, dated May 23, 2025, and conceptual Project plans, and all Board members are familiar with the proposed Project and the area. The Town's consulting engineer has advised the Board that the Project should be evaluated in two phases. Phase 2 of the Project would involve a proposed promenade/riverwalk and bridge across the Ramapo River for public access to trails east of the river. Phase 1 will involve the other proposed Project improvements. For the reasons set forth below, such review does not constitute impermissible segmentation of SEQR review. The Town's consulting engineer has advised the Board that Phase 1 of the Project will not have a significant adverse impact on the environment.

After careful review, evaluation and consideration of all information before the Board, the Board determines that there is no evidence of potential significant adverse environmental impacts that may be caused by Phase 1 of the Project. The reasons below follow the format of EAF Part 2 and addresses items identified as having any potential impact, including a potential small impact.

1. Impact on Land

c. Bedrock – It is possible there will be construction in areas of exposed or shallow bedrock however any construction contemplated in these areas are related to accessory structures, parking areas or recreational trails which are not anticipate to require bedrock removal. As such no significant environmental impact associated with exposed or shallow bedrock is anticipated.

e. Construction Phasing – Construction is anticipated to require more than one year and include multiple phases based on available funding and need. Although construction will likely occur in multiple phases, the overall level of activity will not be substantially different from a single phase project. Further, although construction will likely continue for more than one year, activity will be intermittent based on season and ongoing park activities. As such no significant environmental impact associated with construction duration is anticipated.

f. Erosion – The proposed activity has the potential to result in increased erosion from physical disturbance or vegetation removal. The overall limits of disturbance will be determined as detailed design plans are developed but will include erosion and sediment control practices in accordance with the latest edition of the New York State Standards and Specifications for Erosion and Sediment Control as well as a Stormwater Pollution Prevention Plan (SWPPP) if required. No herbicides will be utilized during construction. As such no significant environmental impact associated with erosion is anticipated.

3. Impacts on Surface Water

d. Wetlands; e. Turbidity; h. Soil Erosion – The EAF Mapper indicates the project site contains wetlands as well as Class A waters suitable for trout. As part of the detailed design

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

onsite wetlands will be delineated and a jurisdiction determination will be obtained along with any Army Corps of Engineers and/or NYSDEC permits. Additionally, if required runoff will be

controlled with a Stormwater Pollution Prevention Plan (SWPPP). As such no significant environmental impact associated with surface waters are anticipated.

5. Impacts on Flooding

b. 100 Year Floodplain; c. 500 Year Floodplain – The majority of the existing park is located within the 100-year floodplain. The majority of the proposed improvements include the installation of development of ball courts and fields, landscaping, reconfigured parking areas which will require limited clearing or grading activities and will not change drainage patterns. Any structures constructed such as the stage and restroom structures will be floodproofed and a floodplain development permits, if required, will be obtained. As such no significant environmental impact associated with development within the floodplain is anticipated.

d. Drainage Patterns – The project has the potential to modify existing drainage patterns. The project includes recreational land uses which will maintain existing previous surfaces and requires limited clearing or grading activities. No changes to existing waterbodies, stream side vegetation or wetlands are proposed. As such no significant environmental impact associated with modifications to the existing drainage patterns are anticipated.

7. Impacts on Plants and Animals

a. Species; b. Habitats – Information provided by the EAF Mapper indicates the Northern Long-eared Bat (*Myotis septentrionalis*) and the Timber Rattlesnake (*Crotalus horridus*) may be present on site. To protect the Northern Long-eared Bat, any tree removal associated with the project will only occur between November 1 through March 31 to reduce impacts to the species. No correspondence has been received from the New York State Department of Environmental Conservation indicating what species has been recorded within or near the project site at this time. According to the EAF Mapper, Timber Rattlesnakes are generally found in deciduous hardwood forests in rugged terrain. The NYSDEC also notes that Timber Rattlesnakes can be found in lowlands, wetlands, crevices in rocky faces, or talus with westerly to easterly southern exposures used for denning or overwintering. Given these site characteristics, it is believed that there is a low probability of encountering suitable Timber Rattlesnake habitat or rattlesnakes in general within the development area of the site. The Town will coordinate with the NYSDEC to review the project and determine if an Incidental Take Permit will be required.

10. Impacts on Historic and Archeological Resources

a. National Register – Information provided by the EAF Mapper indicates the project may occur wholly or partially within or substantially contiguous to buildings or districts listed on the National or State register of Historic Places or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. The EAF Mapper identifies Tuxedo Park and the Tuxedo Park Railroad Station. The Town has received correspondence from New York State

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

Parks, Recreation and Historic Preservation (OPRHP) dated May 1, 2025, stating OPRHP's opinion that no properties, including archaeological and/or historic resources, listed as eligible for the New York State and National Registers of Historic Resources will be impacted by this project. As such no significant environmental impact associated with historic or archaeological resources is anticipated.

15. Impacts on Noise, Odor and Light

e. Lighting – The project has the potential to result in lighting creating sky-glow brighter than existing conditions. As part of the detailed design any lighting specified will be fully shield, directed downward and meet the criteria for Nighttime Friendly or Dark Sky compliance. As such no significant environmental impact associated with lighting is anticipated.

Not evaluating Phase 2 of the Project at this time does not constitute impermissible SEQR segmentation of review. Phase 2 would involve a possible riverwalk/promenade and bridge across the Ramapo River to allow the public to access trails east of the river. There is no plan at this time which can be reasonably reviewed for SEQR purposes. The Trail Plan prepared by NY-NJ Trail Conference identifies several possible crossing locations and indicates the bank-to-bank span as between approximately 50 to 90 feet depending on the location. The Trail Plan notes that a significant part of the westerly riverbank is in the regulatory floodway and possibly wetlands. The Trail Plan recommends consulting with NYSDEC and the US Army Corp of Engineers. The Board's professional consulting engineer notes similar regulatory issues and that there appears to be no evaluation of the riverwalk/promenade in the Trail Plan. Therefore, SEQR evaluation of Phase 2 is not possible at this time. Segmentation occurs when a project which would have a significant effect on the environment is split into two or more smaller projects, with the result that each falls below the threshold requiring review. Such is not the case here, because the Board, upon the advice and recommendations of its consulting engineer, has evaluated Phase 1 and, if and when a plan is sufficiently developed for Phase 2, the Board will conduct a SEQR review of that Phase. If the Board's SEQR review were considered a segmented review, its review is no less protective of the environment. Construction of the Phase 1 improvements will not cause significant adverse impacts in the area of the possible Phase 2 improvements and will not foreclose or affect the SEQR review of the Phase 2 improvements. The Phase 2 improvements will be evaluated by the Board when sufficient information is available to conduct such review.

IT IS FURTHER RESOLVED, for the reasons set forth above, that the Board finds and determines that the proposed Phase 1 action will not have any significant adverse impact on the environment. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed and distributed in accordance with the SEQR Regulations, and the Town Supervisor is authorized to complete EAF Part 3.

This Negative Declaration is prepared in accordance with Article 8 of the state Environmental Conservation Law.

Contact Person:
Deidre Murphy, Deputy Supervisor
Town Hall

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

1 Temple Drive
Tuxedo, New York 10987
Tel. No. 845-351-4411 Ext. 4
Email: dmurphy@tuxedogov.org

A copy of this SEQR Negative Declaration shall be sent to:

Town Clerk
Town Hall
1 Temple Drive
Tuxedo, New York 10987

On a motion by Deputy Supervisor Murphy, seconded by Councilperson

Dollbaum, the foregoing Resolution is adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Agenda Item #2 – Resolution Introducing Local Law and Providing for Public Notice and Hearing Amending Chapter 98 (“Zoning”) of the Code of the Town of Tuxedo to Regulate Cannabis Retail Dispensaries

BE IT RESOLVED that an introductory Local Law, titled “Amending Chapter 98 (“Zoning”) of the Code of the Town of Tuxedo To Regulate Cannabis Retail Dispensaries,” be and it hereby is introduced by Supervisor McMillen, before the Town Board of the Town of Tuxedo in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, 1 Temple Drive, Tuxedo, New York 10987 at 7:00 P.M. on July 9, 2025, and

BE IT FURTHER RESOLVED that the Clerk post and publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least ten (10) days prior thereto.

On a motion by Supervisor McMillen, seconded by Deputy Supervisor Murphy, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

Agenda Item #3 - Resolution to Introduce Local Law Entitled “Property Maintenance” and Schedule Public Hearing

BE IT RESOLVED that an introductory Local Law, titled “Property Maintenance,” be and it hereby is introduced by Supervisor McMillen, before the Town Board of the Town of Tuxedo in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Town Hall, 1 Temple Drive, Tuxedo, New York 10987 at 7:00 P.M. on June 25, 2025, and

BE IT FURTHER RESOLVED that the Clerk post and publish or cause to be published a public notice in the official newspaper of the Town of Tuxedo of said public hearing at least five (5) days prior thereto.

On a motion by Supervisor McMillen seconded by Councilperson Eirand, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Agenda Item #4 - Resolution to Cause the Abandoned, Junk, Discarded or Unlicensed Vehicles to be Removed from the Property Located at 76 Clinton Road

WHEREAS, on June 6, 2025, the owners (hereinafter “owner”) of the property located at 76 Clinton Road, Town of Tuxedo (Tax Map No. 203-3-6) (the “Property”) were served with a written notice of Order pursuant to Section 94-5 of Chapter 94 of the Town Code (the “Abandoned and Junk Vehicles” Code) to remove all abandoned, discarded, junk or unlicensed vehicles from the Property within five (5) days of the notice, and to properly and lawfully dispose of those vehicles; and

WHEREAS, the owner has failed to comply with the written notice and Order within the time limit,

BE IT RESOLVED that pursuant to Section 94-7 of the Abandoned and Junk Vehicles Code, the Town Board is authorized to cause any abandoned, junk, discarded or unlicensed vehicles to be removed from the Property;

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

BE IT FURTHER RESOLVED that the cost of such removal shall be charged and assessed against the owner and shall constitute a lien and charge on the 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;

BE IT FURTHER RESOLVED that the removal and disposition of the vehicles shall be undertaken in a manner consistent with the provisions of New York State Vehicle and Traffic Law section 1224.

On a motion by Supervisor McMillen, seconded by Deputy Supervisor Murphy, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent.

Agenda Item #5 - Resolution to Accept Dispatcher Resignation

On a motion made by Supervisor McMillen, seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo accepts the resignation of Part-Time Dispatcher Mikaela Hall effective June 11, 2025.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Agenda Item #6 – Resolution to Appoint Part-Time Dispatchers

On a motion made by Supervisor McMillen, seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo appoints Raymond Tyrrell and Tighearnan Norton as Part-Time Dispatchers (Civil Service Job Title #1240) for 17.5 hours/week at \$20.00/hour pending Civil Service approval.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Agenda Item #7 – Resolution to Appoint Clerk to Town Justice

On a motion made by Supervisor McMillen and seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo hereby appoints Angelie Tomais as full-time Clerk to Town Justice Alyse McCathern (Civil Service #1175 – Exempt), at the hourly rate of \$27.50 for 35 hours per week (1820 hours annually, Budget Code A1110.1 for \$50,050.00). The Town Justices consent to the appointment.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

Agenda Item #8 – Resolution to Appoint Secretary to Supervisor

On a motion made by Supervisor McMillen and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo hereby appoints Ashleah Perri as part-time Secretary to Supervisor (Civil Service #1576 - Exempt) at \$30.00 per hour for 30 hours per week (1560 hours annually), Budget Code A1220 for \$46,800.00.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Minutes

On a Motion made by Supervisor McMillen, seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo accepts the Minutes of the Regular Bi-Monthly Town Board Meeting held on May 28, 2025.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Vouchers

On a motion made by Supervisor McMillen, seconded by Councilmember Eirand, that the following vouchers, having been audited by the Town Board, are hereby approved for payment:

Claim numbers: 2012924811 thru 2012924888

General Fund:	\$199,428.29
Part-Town Fund:	\$33,834.28
Highway Town Wide:	\$26,882.62
Highway Part Town	\$45,719.37
Refuse and Garbage	\$36,115.24
Hamlet Sewer District	\$2,170.51
Trust and Agency	\$0
<u>Total Abstract Amount:</u>	\$344,150.31

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
And via Zoom
June 11, 2025

Other Business

- Resolution to Authorize the Supervisor to Execute an Agreement with Millennium Strategies

On a Motion made by Deputy Supervisor Murphy, seconded by Councilmember Dollbaum, the Town Board of the Town of Tuxedo authorizes the Town Supervisor to execute and agreement with Millennium Strategies in accordance with their proposal in the amount of \$4,000.00 for the purpose of submitting a Consolidated Funding Application (CFA) for a Water Quality Improvement Project (WQIP) grant for upgrades and floodproofing of the Town's existing wastewater pump station.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

- Resolution to Authorize Purchase of Tractor for Highway Department

On a motion made by Councilmember Dollbaum and seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo authorizes the purchase of a 901064-New Holland Powerstar 75 Tractor Deluxe Cab 4WD with KM-74RW Wing Flail Mower System Using Tractor Hydraulics from Montage Enterprises for a cost of \$88,798.86 as listed in their quote #612 dated 06/04/2025. Financing will be through NCL Government Capital.
(*SOURCEWELL AWARDED CONTRACT #032525-MNT*)

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

Public Comments

- Claudia Bhaktiary thanked the Highway Department for assisting the Library with the Memorial Day Picnic. She offered to volunteer at the Farmer's Market to help promote the Town's new notification system, Tuxedo Connect.
- Resident Dale Mottola thinks that a mailer with the Tuxedo Connect information would be helpful to residents.
- Resident Dennis Brown thanked the Board for the actions taken to help with the issues in the Clinton Woods neighborhood.
- Resident Mary MacFarlane also thanked the Board for their efforts with Clinton Woods and commented how nice the recently planted hydrangeas look at the Train Station.

Regular Town Board Meeting
Town of Tuxedo
1 Temple Dr., Tuxedo, NY 10987
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June 11, 2025

Executive Session

On a Motion made by Supervisor McMillen and seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo entered into an Executive Session for attorney advice regarding potential litigation at 8:17pm.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

On a Motion made by Supervisor McMillen and seconded by Councilmember Eirand, the Town Board of the Town of Tuxedo left the Executive Session and re-entered the Public Meeting at 9:48pm.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.

No action was taken.

Adjournment

On a Motion made by Supervisor McMillen, seconded by Deputy Supervisor Murphy, the Town Board of the Town of Tuxedo adjourns the meeting at 9:48pm.

The foregoing resolution was adopted on a vote of 4 ayes, 0 nays, 1 absent.