

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARING AND
REGULAR MEETING
MAY 18, 2022
MINUTES**

Present: Mayor David McFadden
Deputy Mayor Anna (Tinka) Shaw
Trustee Christopher Kasker
Trustee Joshua Scherer

Absent: Trustee Paul Brooke

Clerk: Elizabeth A. Doherty

Village Attorney: Brian Nugent, Esq. (Feerick Nugent MacCartney, PLLC) via Zoom

Attendees: Building and Land Use Officer John Ledwith; Police Chief David Conklin;
DPW Superintendent Jeff Voss; Jay Reichgott (Town Councilman), and
about seven people at Village Hall and about 17 members of the public via
Zoom

Mayor McFadden called the Public Hearing to order at 6:54 p.m. Roll call was taken.

**Open the Public Hearing on Draft Local Law #3 of 2022
Resolution 0518-01**

Be it resolved the Board of Trustees open the Public Hearing to discuss Draft Local Law #3 of 2022: A Local Law to allow boats and other devices on the Wee Wah Lake in the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Mayor McFadden said that he had a revised version of the draft local law which had only been issued late today. The Mayor said that tonight's public hearing would be continued at a later

date in order to give people the opportunity to review it.

The Mayor asked if anyone from the public had any comments. Jay Reichgott from 121 Laurel Road addressed the Board.

Mr. Reichgott said that he was generally in favor of this law but he had a couple of technical concerns. Regarding Chapter 65, Section 4, Subsections (f) and (g), which deal with reconstruction of existing docks or the installation of new temporary docks, Mr. Reichgott noted that this had been removed from the draft. Mr. Reichgott asked if that was intentional? Mayor McFadden responded that it was. Mr. Reichgott then asked why do residents who own property on Wee Wah Lake not have the same rights to docks and floating docks as residents on the other lakes? Mayor McFadden said that was not the intent. Mayor McFadden explained that the goal was to be able to build another dock if we want to from which to launch other vehicles.

Mr. Reichgott then asked why they are increasing the boat length from 21' to 25' in Chapter 65, Section 6, which applies to all lakes? Mayor McFadden answered that the current law is about 15 years old. There have been advances in technology and electric boats are now being made that are more than 21' in length. Mayor McFadden said that's the direction that's behind it.

Mr. Reichgott then quoted from Subsection (j), "No person shall place any pontoon boat on Wee Wah Lake or Pond #3." He noted that the Village added the exception of boats, kayaks, canoes and aquatic recreational devices rented out by the Village. Mr. Reichgott asked if the Village was going to get into the business of party boat rental on Pond #3 and the Wee Wah? The Mayor said it depends on how you define party. There are degrees of partying, and the plan is to have, someday, if we can afford it, a pontoon boat on Wee Wah Lake for the members of the Beach Club, to be able to go out and enjoy themselves on the lake.

Claudio Guazzoni de Zanett addressed the Board. Mr. Guazzoni de Zanett said there is a legal interpretation called "contra proferentem" in which a judge will rule against the drafter of a law or of a contract if the wording is vague or difficult to interpret. Mr. Guazzoni di Zanett read Chapter 65, Section 4, Paragraph (b):

Non-waterfront Residents or non-residential property owners with property or long-term rentals that do not abut the Wee Wah Lake shall only be permitted to swim in the Wee Wah Lake if they are members of the Wee Wah Park and Beach Club during its official hours of operation.

Mr. Guazzoni de Zanett focused on the phrase, "during its official hours of operation." He said the way it reads right now it does not make any sense. It's very vague and open to a number of interpretations and it would be ruled against the Village. Mr. Guazzoni de Zanett suggested that the phrase, "during its official hours of operation" be moved up front as follows, "During its official hours of operation, non-waterfront Residents" etc.

Mr. Guazzoni de Zanett then referred to Chapter 65, Section 4, Paragraph (k):

The Village further hereby reserves to itself the right and authority to

license the operation of the Wee Wah Lake, the immediate and surrounding property annexed thereto, or the uses thereof, to an entity designated by the Village Board of Trustees.

Mr. Guazzoni de Zanett asked for clarification. Is the Village annexing public property or private property? Is this a person's land or is it Village property only? The Mayor said this was referring to the Wee Wah itself. Mr. Guazzoni de Zanett suggested the wording was a little vague and suggested that it might be better to say, "public land" "Village land" or "non-private land." The Mayor suggested that they might use the parcel number instead.

Continuation of Public Hearing on Draft Local Law #3 of 2022
Resolution 0518-02

Be it resolved that the Board of Trustees continue the Public Hearing on Draft Local Law #3 of 2022: "A Local Law to allow boats and other devices on the Wee Wah Lake in the Village of Tuxedo Park" to May 26, 2022 at 11:00 a.m.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

The public hearing was adjourned at 7:07 p.m.

Mayor McFadden called the regular monthly meeting of the Board of Trustees to order at 7:10 p.m. and led the Pledge of Allegiance. Roll call was taken.

Consent Agenda
Resolution 0518-03

Be it resolved the Board of Trustees accept the items on the consent agenda.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent

Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

ITEMS ON THE CONSENT AGENDA

- a. Add all written reports to the Permanent Record
- b. Approve minutes from April 5, April 8, April 18 and April 20, 2022
- c. Authorization to hire Acosta Cleaning Services for FY 2023
- d. Renew MVP Healthcare; the rates are 5% more than last year
- e. Approve the request of the Tuxedo Club for their annual fireworks display on Saturday, July 2nd at 9:30 p.m.; the rain date is Sunday

**Election Day Correction to March Resolution
Resolution 0518-04**

BE IT RESOLVED, that the portion of Consent Agenda Resolution #0316-02 approved by the Village Board on March 16, 2022 that authorized the conduct of the Village Election contained an inaccurate Election date; and,

BE IT FURTHER RESOLVED that the Village Board hereby authorizes the Village election on Tuesday, June 21, 2022 at 80 Lorillard Road in the Village with the polling hours being 7 a.m. to 9 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

**Election Day Correction to April Resolution
Resolution 0518-05**

BE IT RESOLVED that, on April 20, 2022, the Village Board adopted Resolution 0420-11 that authorized certain persons to work at the Village election, but contained an inaccurate date of the Village election; and

BE IT FURTHER RESOLVED, that the Village Board hereby determines that all provisions of Resolution 0420-11 shall remain as adopted on April 20, 2022, except for the date of the Village election that was indicated on such resolution; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the persons listed in Resolution 0420-11 to work the Election on June 21, 2022.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Draft Local Law #4 of 2022
Resolution 0518-06

Be it resolved that the Board of Trustees schedule a Public Hearing on Draft Local Law #4 of 2022: “Use of Videoconferencing for Municipal Meetings” on June 15, 2022 at 6:50 p.m.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Weston & Sampson Engineering Services for Tuxedo Lake
Resolution 0518-07

Be it resolved that the Board of Trustees approve Weston & Sampson for engineering services for Tuxedo Lake water main replacement design and permitting service.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Weston & Sampson Engineering Services for Mountain Road
Resolution 0518-08

Be it resolved that the Board of Trustees approve Weston & Sampson for engineering services for Mountain Road water main replacement design and permitting service.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Weston & Sampson Engineering Services for Dam Safety Inspections
Resolution 0518-09

Be it resolved that the Board of Trustees approve Weston & Sampson for engineering services for dam safety inspections.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Weston & Sampson SEQR Resolution
Resolution 0518-10

Resolution to conclude SEQR review pursuant to New York State Environmental Quality Review Act related to renovation and replacement in kind of existing infrastructure.

WHEREAS, the Village of Tuxedo Park (VILLAGE) Board of Trustees seeks to undertake a capital project consisting repairing, replacing, or renovating portions of its sanitary sewer system of the following description:

1. Village of Tuxedo Park
SSES Phase 3, Sub-Basins 2 & 10, Public Sanitary Sewer Repairs
Year Two Construction – Pond 3 and Wee Wah Dam Trunk Sewers
SEQR Type II Action.

WHEREAS, the VILLAGE owns and maintains substantial infrastructure for the conveyance and treatment of wastewater, consisting of gravity sewers, pump stations, force mains, and treatment facilities, and

WHEREAS, these facilities require construction from time to time to renew critical infrastructure that provides a benefit to the public, and that construction includes repairing, replacing, or renovating long runs of infrastructure, and

WHEREAS, the State Environmental Quality Review Act (SEQR) and the regulations thereunder require the VILLAGE to undertake a review of the potential environmental impacts, if any, associated with project before undertaking same;

WHEREAS, repair, replacement in kind, and renovations of existing underground utilities are classified as Type II under 6 NYCRR Part 617.5 and are not subject to SEQR review; and

WHEREAS, the improvements that are proposed by the VILLAGE to be completed under the SSES Phase 3, Sub-Basins 2 & 10, Public Sanitary Sewer Repairs, Year Two Construction Project meet the definition of Type II work under Section 6 NYCRR Part 617.5;

NOW, THEREFORE BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees concludes that no further action is required and SEQR is thereby concluded for this project.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the NYS Department of Environmental Conservation as an involved agency.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Levy Unpaid Water Bills
Resolution 0518-11

Be it resolved that the Board of Trustees levy unpaid water bills onto the FY23 property tax bills.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Audit of Claims

Village Clerk-Treasurer noted for the record the audit of claims as follows: General Fund - \$82,496.70, Water Fund - \$2,718.81 and Professional Fees - \$553.50.

Budget Transfers **Resolution 0518-12**

Be it resolved that the Board of Trustees authorize Village Clerk-Treasurer Elizabeth Doherty to make the following budget transfers:

- a. \$1,350.50 from 1325.41 Treasurer-Computer to 1110.1 Judicial-Personnel
- b. \$200.00 from 1355.4 Assessor-Contractual to 1110.1 Judicial-Personnel
- c. \$1,880.00 from 1325.2 Treasurer-Equipment to 1320.4 Auditor-Contractual
- d. \$716.68 from 1325.2 Treasurer-Equipment to 1325.44 Treasurer-IT Support
- e. \$1,639.11 from 1910.4 Insurance-Contractual to 1670.4 Central Print/Cont.
- f. \$835.00 from 1920.4 Municipal Dues to 1670.4 Central Print/Cont.
- g. \$1,890.00 from 1989.4 Lake Mgmt & Watershed Study to 1670.4 Central Print/Cont.
- h. \$3,307.79 from 9040.8 Workers' Comp to 9055.8 Disability
- i. \$15,915.53 from 9730.7 Debt-Interest to 9730.6 Debt-Principle

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Enter Executive Session
Resolution 0518-13

Be it resolved that the Board of Trustees move from the public meeting into Executive Session at 7:46 p.m. to discuss Village employees, the PBA collective bargaining agreement, contractor agreements, a water customer, and a legal matter.

PBA Negotiations and Personnel, Possible Legal Action, and a Legal Matter

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Exit Executive Session
Resolution 0126-13

Be it resolved that the Board of Trustees exit Executive Session at 8:14 p.m. and re-enter the public meeting.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

No resolutions were made during Executive Session.

Adjournment
Resolution 0126-14

Be it resolved to adjourn the regular meeting at 8:17 p.m.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth A. Doherty".

Elizabeth A. Doherty
Village Clerk-Treasurer