

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 19, 2023
MINUTES**

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

Clerk: Elizabeth A. Doherty

Village Attorney: Robert Zitt, Esq. (Feerick Nugent MacCartney, PLLC)

Attendees: Building and Land Use Officer John Ledwith, Department of Public Works
Supervisor Jeff Voss, Dr. Jim Hays (Climate Action Committee), three
members of the public were in attendance at Village Hall and approximately
eight members of the public via Zoom

Mayor McFadden called the meeting to order at 7:02 p.m. with the Pledge of Allegiance. Roll call was taken.

**Open the Public Hearing on the
Preliminary Budget for the Fiscal Year 2023-2024
Resolution 0419-01**

Be it resolved that the Board of Trustees open the Public Hearing on the Preliminary Budget for the Fiscal Year June 1, 2023 – May 31, 2024.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Trustee Kasker asked if the required engineering projects in the amount of \$270,400 (see Attachment 1 to these minutes) that were submitted by Joe Zongol of Weston & Sampson were included in this budget? Deputy Mayor Shaw answered that not all the projects were included.

Adjustments to the Preliminary Budget
for the Fiscal Year 2023-2024
Resolution 0419-02

Be it resolved that the Board of Trustees adjust the proposed budget by adding \$65,400 to the Water Fund (line items to be determined) and \$30,000 to the Sewer Fund (line items to be determined).

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Approval of Tentative Budget
Resolution 0419-03

Be it resolved that the Board of Trustees approve the Tentative Budget for 2023-2024.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

In attendance was Village resident Marc Citrin. Mr. Citrin said that the tentative budget had been posted on the Village's website only three or four hours before tonight's Board meeting. He suggested that more time be made available for the public to review the budget. The Board agreed to schedule another meeting to extend the period for public comment on the Tentative Budget for 2023-2024.

Special Meeting
Resolution 0419-04

Be it resolved that the Board of Trustees schedule a second meeting on the budget for Friday, April 28, 2023 at 10:00 a.m. (Please note that the time was subsequently changed to 11:00 a.m.)

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Close the Public Hearing on the
Preliminary Budget for the Fiscal Year 2023-2024
Resolution 0419-05

Be it resolved that the Board of Trustees close the Public Hearing on the Preliminary 2023-2024 Budget.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Aye

Trustee Brooke summarized the main points of the law regarding the change in dock sizes. The current law does not permit docks that are longer than 10'. This revised law allows for the dock to be the length of the boat plus six inches on each side. The allowable size of boats is being increased to 25' and the maximum size of dock lengths is being increased to 26' (25' plus one foot).

Resident Dr. Jim Hays asked why the dock size had the extra one foot in length. Trustee Brooke said that this allowed each side of the boat to extend for an extra 6" beyond the dock. Dr. Hays said that he did not understand why the dock had to extend beyond the boat. Why can't the boat stick out beyond the end of the dock? Mayor McFadden answered that if the dock isn't as long as the boat the doors of the boat might miss the dock. Dr. Hays said that the doors of a boat are not at the

end, they're near the middle. The Mayor said that his pontoon boats have doors at the end. Dr. Hays suggested that the Mayor could park his boat so that the doors opened out onto the dock.

Trustee Brooke said that it was the judgment of people who had worked on this draft local law that a dock length of 10' is inappropriate for a 20' boat or 25' boat. Given that, the law is written to allow the dock length to be expanded to the length of the boat plus 6" on each side.

Dr. Hays asked why they were increasing the length of the boats? Mayor McFadden answered that the law is fairly old and doesn't take into account all the new innovations on electric boats. There are tremendous opportunities for electric boats that are over 20'. Some are as long as 30' but they decided to cap it at 20'.

Dr. Hays responded that the size of the lake has not changed. It's a small lake, so why is it appropriate now to have bigger boats? The Mayor reiterated that there's new technology that allows for other options. Trustee Brooke said that a number of residents have asked about having bigger boats. Dr. Hays responded that doesn't mean you have to do it.

At this point Attorney Robert Zitt interjected that the Board should open the public hearing.

Open the Public Hearing on Draft Local Law #1 of 2023
Resolution 0419-06

Be it resolved that the Board of Trustees continue the Public Hearing on Local Law #1 of 2023 – Revising the Lake Laws Related to Dock Size.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Aye

Dr. Hays said that he was concerned because the lake is scenically very beautiful, but it is very small. He thinks it is a bad idea to put larger and larger boats on a very small lake. People have gotten along very well with reasonably small boats. Dr. Hays saw no reason to increase the size of the boats. The lake will become clogged. Dr. Hays said that some of the electric boats that are on the lake are beautiful, but the big, long pontoon boats are ugly.

Mayor McFadden said that he respected that. Some of the new alternatives that will be taken advantage of are not pontoons. The Mayor said he would discourage pontoon boats if he had a choice.

Trustee Brooke pointed out that there are pontoon boats on the lake that are larger than 25' that have been grandfathered in because those boats were on the lake before these laws were passed.

Trustee Brooke said that there are three issues before the Board. The first is increasing the dock length to the length of the boat plus one foot; the second is increasing allowable boat length to 25' from 20'; and the third, which is not part of the draft, is allowing docks to be permanent if they're on the owner's property. Trustee Brooke explained that a permanent dock is fancier and more expensive and esthetically appropriate than floating docks. Trustee Brooke also said that the current laws do not permit the dock to go straight out into the lake. The dock has to be along the shore. This is unchanged in the revised law.

Dr. Hays asked if the Tuxedo Club would not be allowed to have permanent docks? Mayor McFadden and Trustee Brooke responded, "Yes." DPW Superintendent Voss added that the Village Boat Club also has floating docks. Mayor McFadden said that the Tuxedo Club cannot add any additional floating docks unless the Trustees approve it.

Dr. Hays asked what materials would be used to create the permanent docks? Masonry? Trustee Brooke said that most docks along the lake are made out of wood. Mayor McFadden said that they will all be subject to the BAR.

Dr. Hays said that if docks are made out of wood the ice would move them. If you install concrete piers into the lake it would make a big modification to the shore line, and this is what you're proposing to do. Mayor McFadden said that this is something that would come at a later date to be discussed under a different local law.

Trustee Brooke said that the record should reflect that Dr. Hays was objecting to dock lengths of 25' and permanent docks. Dr. Hays said that was correct. The reason for his objection to permanent docks is that they will need stone or cement foundations, and this will be a major modification to the shore line. Trustee Brooke disagreed, saying that many of the docks on the lake have stone or cement foundations.

Jill Swirlbul, a resident of the Park, agreed with Dr. Hays that adding new permanent docks would create too much of a change to the shoreline. Audrey Perry, another Village resident, also agreed. She said that creating a dock as large as what was discussed would be an eye sore. It's not that big a lake.

Jay Reichgott said that this law is predicated on the idea that people want larger boats and need larger docks. Trustee Brooke disagreed, saying that the allowable dock size is now 10' and boats up to 20' long are permitted. People want to have docks that are appropriate to the length of their boats. Mr. Reichgott continued, saying that it is in Section 65-2(e) that the dock lengths for the Village and the Tuxedo Club marinas are limited to their current size. If the people who are using those docks, Village residents or otherwise affiliated with the Village, also want to have larger boats, it would seem fair that a similar increase in the size in those docks be permitted.

Mayor McFadden responded that in 2005 the Tuxedo Club put in extra docks without permission. A settlement was reached in which it was agreed that they could not expand. Mayor McFadden felt that Mr. Reichgott made an interesting point. He said that he would like to ask the Village Boat Club and the Tuxedo Club what their views are, and then extend the public hearing. The Mayor said that since the Tuxedo Club has about 50 boats he didn't want to give them approval to build the longer dock, but their view should at least be heard. Trustee Kasker said that we should hear from all interested stakeholders.

Dr. Hays said that this is a very serious matter and the Trustees should set very strict rules. This is not something that should be left up to the BAR. Mayor McFadden said that the Trustees approve all docks, but the Board of Trustees doesn't concern itself with materials, the BAR does. Trustee Brooke said that he would accept Dr. Hays' position that the Trustees have to approve it. The BAR can offer advice but it's a Trustee decision. Trustee Brooke said that there is no controversy about adjusting dock length to boat length; there is controversy about increasing boat length. Dr. Hays disagreed. There is controversy about extending dock length to boat length. He said there are a lot of people who live in the Park that don't live on the lake who care about the lake as well as those who happen to want bigger docks and bigger boats.

Claudio Guazzoni de Zannett said we should pay careful attention to the important words that Dr. Hays has mentioned. Mr. Guazzoni de Zannett said that Trustee Brooke has a boathouse on the lake. This law would benefit him. But there are those who don't. Those people appreciate living in a more rustic environment and they do not want Tuxedo Lake to become like Greenwood Lake. Mr. Guazzoni de Zannett moved here in 1997. This is what he bought into. He said Dr. Hays should be taken very seriously.

Marc Citrin agreed with the points made by Dr. Hays. He added that a referendum or survey of the residents would be a good idea, allowing for everyone to weigh in on this issue. This had been done in the past when the traffic booth was under consideration. Mayor McFadden responded that a referendum would not be possible but a survey would be. He said that would be taken into consideration.

Chiu Yin Hemple also agreed with Dr. Hays and the other people who have spoken tonight. This issue about the docks is a very important matter. We're talking about permanent construction at our reservoir. To the point about the BAR being the approving authority before the Board of Trustees grants final approval, Ms. Hemple said that the BAR has no standards about dock construction on our reservoir.

Mayor McFadden asked Building and Land Use Officer John Ledwith if the BAR had material requirements? He answered that the BAR has established material requirements although they're not published. Mayor McFadden thought it was all cedar. Building and Land Use Officer Ledwith said that cedar and mahogany are the two materials of choice.

Ms. Hemple said that it's not just the kind of wood. The question is whether or not it has been chemically treated (Mayor McFadden said we don't allow that), how the concrete platform is being manufactured, whether it's on shore and lowered or constructed within the lake. The devil is in the details. Ms. Hemple concluded by saying we cannot just say that the BAR is in control of ensuring

safety. We need to make sure that the BAR's guidelines actually go into these details. Building or construction around the lake is an important issue. Ms. Hemple also said that she supported the suggestion of a survey.

Mayor McFadden said that he supported beefing up the guidelines to include dock information.

No other comments from the public were received.

Trustee Kasker asked Attorney Robert Zitt if there are any DEC rules, or Corps of Engineer rules, or other environmental rules about how a dock on a reservoir can be constructed? Attorney Robert Zitt said that there are no State regulations pertaining to docks. He said they could look at comparable municipalities to see what they have done.

Given the amount of discussion, Mayor McFadden felt that it would be best to continue the public hearing because of the strong feelings about this issue. Deputy Mayor Shaw agreed.

Trustee Scherer agreed and said that we need more input from the clubs and that the survey was a good idea. With respect to exploring what other municipalities with lakes are doing, it is worth noting that the Village of Tuxedo Park is historic and it is special. It cannot be compared to others. What is more informative is hearing from the residents and making sure that we have a survey that accurately captures people's perspectives.

Trustee Brooke noted that we have the largest unfenced reservoir in the State.

Continue the Public Hearing on Draft Local Law #1 of 2023
Resolution 0419-07

Be it resolved that the Board of Trustees continue the Public Hearing to discuss Draft Local Law #1 of 2023 – Revising the Lake Laws Related to Dock Size to May 17, 2023 at 7:00 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye
Mayor David C. McFadden – Aye

Consent Agenda
Resolution 0419-08

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

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

ITEMS ON THE CONSENT AGENDA

- a. Add All Written Reports to the Permanent Record
- b. Approve Minutes from March 15 and March 22 (Board of Assessors)
- c. Resolve to Hold Village Elections at 80 Lorillard Road on Tuesday, June 20th from 7:00 am to 9:00 pm
- d. Resolve to Authorize the Following People to Work on Election Day as Machine Operators: Kurt Haug and Wendy Dulin; the pay is \$275 per day; in case there is a cancellation Christopher Moog is the designated alternate Machine Operator
- e. Resolution Authorizing the Following People to Work on Election Day as Table Inspectors: Elwood Briggs, Jean Haug, and Garry Furman; the pay is \$275 per day; in case there is a cancellation the Clerk is authorized to pick another worker from the Orange County Board of Elections Ultimate Poll Worker Report
- f. Approval for Building Inspector/Code Enforcement Officer John Ledwith to attend Continuing Education Classes April 19 – 21 for a Fee of \$300
- g. Approve for Clerk Doherty to Attend Orange County Human Resources Training Session on May 25, 2023
- h. Resolve to Retroactively Approve Wee Wah Fishing Club Lease Renewal
- i. Resolve to Retroactively Approve the USDA Intermunicipal Agreement - \$3,690
- j. Resolve to Install a Wi-Fi System at the Wee Wah Park & Beach Club – Estimate \$2,950

Resolution, Finding and Order Approving Annexation of Two Parcels from Town of Tuxedo to Village of Tuxedo Park Resolution 0419-09

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Village Board of the Village of Tuxedo Park, New York (the “Village”) on November 18, 2020, for the annexation of certain territory in the Town to the Village, said territory being described in said petition which is annexed hereto as **Exhibit A** (“Annexation Parcels”); and

WHEREAS, a joint hearing of the Town Board of the Town of Tuxedo and the Village of Tuxedo Park was duly noticed and published in accordance with Article 17 of the New York State General Municipal Law; and

WHEREAS, said joint hearing of the Town Board of the Town of Tuxedo and the Village of Tuxedo Park was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall at 1 Temple Drive, Tuxedo, NY 10987 on January 23, 2023 at 7:00 p.m. at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town has duly considered said petition and the evidence presented at said hearing.

NOW, THEREFORE, IT IS FOUND, RESOLVED AND ORDERED by the Village Board of the Village of Tuxedo Park finds as follows:

- Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.
- Section 2. That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.
- Section 3. That the proposed annexation of said Annexation Parcels in the Town to the Village as described in the aforesaid petition is in the overall public interest that such annexation was contemplated during the review and consideration of the Tuxedo Farms development in the Town of Tuxedo and that the Town, Village and Developer had entered agreements that considered and include the proposed annexation now before the Village Board; and that the Village determines such annexations are in the best interests of the Village in having such parcels inside the Village to enhance a buffer between the proposed Town project development and the Village.
- Section 4. That all unpaid or delinquent taxes levied or charges made against the Annexation Parcels shall be due and payable and collected in all respects the same as if such territory had not been annexed.
- Section 5. That any other taxes levied or other charges made against or on account of the annexation for the fiscal year in which the annexation shall take effect shall be paid to the Town of Tuxedo.
- Section 6. That any taxes levied or other charges made against or on account of the annexation for a fiscal year commencing after the date such annexation takes effect shall be due and payable to and collected by the Village of Tuxedo Park.
- Section 7. That the Annexation Parcels, after annexation, shall remain in the same districts with respect to Tuxedo Joint Fire District and Tuxedo Library and accordingly shall continue to pay for such services on the same terms as prior to the annexation.
- Section 8. That there is no other indebtedness, liabilities or interest in connection with Annexation Parcels and accordingly, no amount is otherwise due to the Town or Village in connection with the annexation.

- Section 9. The consent and approval of the Village Board is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition (Exhibit A) to the Village.
- Section 10. That the Village Clerk shall file this Order, together with copies of the Annexation petition, the notice, the written objections, if any, and testimony and minutes of proceedings taken and kept on the public hearing.
- Section 11. That no election shall be required with respect to the instant annexation as there are no residents residing in the annexation parcels and based upon existing case law, an election is not required under such circumstances.
- Section 12. That the Mayor is hereby authorized and directed to execute this Finding, Resolution and Order.
- Section 13. The Mayor is hereby directed to cause (a) a survey to be made of the annexed territory, (b) the boundaries of the same to be marked with monuments, and (c) a map to be made of such local government including the annexed territory or, in the event such survey already exists and such boundaries are already marked, such requirement may be dispensed with upon review by the Village Engineer.
- Section 14. In cooperation with the Town of Tuxedo, the Mayor shall also cause a partial map to be made of the Village and Town of Tuxedo, which map shall be sufficient to show the exclusion of the Annexed territory from the Town of Tuxedo and to file a copies of such map in the office of the Village Clerk, the Town Clerk, the Office of the Orange County Clerk and in the Office of the New York Secretary of State. The Mayor is authorized to arrange for the preparation of such maps through Orange County offices, including the Geographic Information Systems office and/or Real Property Tax Office.
- Section 15. With respect to any issues that arise with finalizing the annexation of the Annexation Parcels, the Village shall work cooperatively with the Town of Tuxedo.
- Section 16. The Mayor, and any officer, employee or consultant, as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Finding, Resolution and Order.
- Section 17. This Resolution, Finding and Order shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call by Mayor McFadden, seconded by Trustee Brooke, which resulted as follows:

	<u>Ayes</u>	<u>Noes</u>	<u>Abstain</u>	<u>Absent</u>
Mayor David McFadden	[X]	[]	[]	[]
Deputy Mayor Tinka Shaw	[X]	[]	[]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]
Trustee Joshua Scherer	[X]	[]	[]	[]
Trustee Paul Brooke	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

**Resolution Establishing Sewer Rates for
Unmetered Residential Homes
Resolution 0419-10**

WHEREAS, the Village of Tuxedo Park maintains water and sewer systems overseen by the Village Board of Trustees and Village officials; and

WHEREAS, the Village generally utilizes water meters in order to calculate quarterly sewer flow for the purposes of residential sewer billing; and

WHEREAS, certain property owners have not permitted the installation of water meters at their homes, rendering the Village to be unable to calculate the quarterly sewer flow for the purpose of billing using such water meters; and

WHEREAS, the Village Board, based upon the recommendation of the Village Engineer desires to utilize the New York State Department of Health and New York State Department of Environmental Conservation Wastewater Design Documents in order to establish and utilize Daily Design Flow Rates for residential homes based on a gallon per day, per bedroom basis as follows:

TABLE 1 DAILY DESIGN FLOWS	
Plumbing Fixtures (based on manufactured date)	Minimum Design Flow (gallons per day per bedroom)
Post-1994 Fixtures 1.6 gallons/flush toilets 2.5 gallons/minute faucets & showerheads	110
Pre-1994 Fixtures 3.5 gallons/flush toilets 3.0 gallons/minute faucets & showerheads	130
Pre-1980 Fixtures 3.5+ gallons/flush toilets 3.0+ gallons/minute faucets & showerheads	150
Waterless Toilets (e.g., compost) (graywater discharge only)	75

NOW, THEREFORE, be it is resolved as follows:

- Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.
- Section 2. The Village Board hereby adopts and approves the Daily Designed Flow Chart contained in this Resolution as the basis for establishing sewer rates for billing of residential homes in the Village where such homes have not permitted the installation of a water meter.
- Section 3. The Mayor or any other officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.
- Section 4. This Resolution does not apply to residents who do not use the sewer system.
- Section 5. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call by Mayor McFadden, seconded by Trustee Brooke, which resulted as follows:

	<u>Ayes</u>	<u>Noes</u>	<u>Abstain</u>	<u>Absent</u>
Mayor David McFadden	[X]	[]	[]	[]
Deputy Mayor Tinka Shaw	[X]	[]	[]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]
Trustee Joshua Scherer	[X]	[]	[]	[]
Trustee Paul Brooke	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

**Cooper Arias Renewal
Resolution 0419-11**

Be it resolved that the Board of Trustees approve retaining Cooper Arias for Auditing Services for the Fiscal Year Ending May 31, 2024 for a fee not to exceed \$24,000.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Village Insurance
Resolution 0419-12

Be it resolved that the Board of Trustees approve the current proposal for Village insurance.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Climate Action Plan
Resolution 0419-13

**RESOLUTION AUTHORIZING THE VILLAGE TO UNDERTAKE A GOVERNMENT
OPERATIONS CLIMATE ACTION PLAN**

WHEREAS, the Village of Tuxedo Park pledged to take part in the NYS DEC Climate Smart Communities Certification Program that includes the preparation of a Government Operations Climate Action Plan; and

WHEREAS, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

WHEREAS, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (“HVRC”) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, a completed climate action plan counts toward Climate Smart Communities certification, specifically (1) PE2 Action: Government Operations Climate Action Plan; and

WHEREAS, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, will collaborate with HVRC in the development of these publications, reviewed drafts, and provide valuable feedback on iterations that result in the final draft; and

WHEREAS, the task force will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the task force will present a summary of the draft government operations climate action plan to the Village Board of Trustees for consideration of adoption.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby undertake a Government Operations Climate Action Plan; and

BE IT FURTHER RESOLVED, the Municipal Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Village of Tuxedo Park; and

IT IS FURTHER RESOLVED THAT this Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Ayes</u>	<u>Noes</u>	<u>Abstain</u>	<u>Absent</u>
Mayor David McFadden	[]	[]	[X]	[]
Deputy Mayor Tinka Shaw	[X]	[]	[]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]
Trustee Joshua Scherer	[X]	[]	[]	[]
Trustee Paul Brooke	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

**Purchase of Dodge Durango
Resolution 0419-14**

Be it resolved that the Board of Trustees approve the purchase of vehicle for the Police Department.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

**General Code
Resolution 0419-15**

Be it resolved that the Board of Trustees authorize General Code to proceed with supplementation and code reprint for a fee of \$7,960.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

**NYCOM Letter
Resolution 0419-16**

Be it resolved the Board of Trustees authorize the Mayor to sign the NYCOM letter in support of a dedicated funding stream for Water and Sewer Systems (SWAP).

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Weston & Sampson Proposal
Resolution 0419-17

Be it resolved that the Board of Trustees authorize Weston & Sampson SSES Phase 2 Investigations Proposal.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

State Grants
Resolution 0419-18

Be it resolved that the Board of Trustees approve Weston & Sampson to apply for the third time for State grants for critical water infrastructure projects.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Arbor Day
Resolution 0419-19

In October the Board of Trustees had proclaimed April 28, 2023 as Village of Tuxedo Park Arbor Day. The Clerk has since learned that the proclamation should take place in the same calendar year when it is made. The Board is therefore re-proclaiming April 28, 2023 as Arbor Day.

Be it resolved that the Board of Trustees re-proclaim April 28, 2023 as Village of Tuxedo Park Arbor Day.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Clerk Doherty read into the record the Audit of Claims for April: General Fund claims in the amount of \$87,695.30, Water Fund claims in the amount of \$25,743.45 and Sewer Fund claims in the amount of \$9,132.60.

There were no budget transfers.

Enter Executive Session
Resolution 0419-20

Be it resolved that the Board of Trustees enter Executive Session for the purpose of discussing certain Village employees, a legal matter pertaining to 116 Tower Hill Road and utility matters at 8:53 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Exit Executive Session
Resolution 0419-21

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 9:14 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Discontinuance of Supreme Court Action
Resolution 0419-22

Be it resolved that the Village attorney is hereby authorized to explore a discontinuance of Supreme Court Action Index No. EF006339 of 2022, the Village of Tuxedo Park against Genesis Realty Partner 1 LLC.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Adjournment
Resolution 0419-23

Be it resolved that the Board of Trustees adjourn the meeting at 9:16 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

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

Respectfully submitted,

Elizabeth A. Doherty

Elizabeth A. Doherty
Village Clerk-Treasurer