

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 20, 2024**

Present: Mayor Marc D. Citrin
Deputy Mayor Michele Lindsay
Trustee Paul Brooke
Trustee Joshua Scherer (via Zoom in New York City)
Trustee Anna (Tinka) Shaw

Clerk: Elizabeth A. Doherty

Village Attorney: Jared A. Kasschau, Esq. (Harris Beach, PLLC) via Zoom

Attendees: Building and Land Use Officer John Ledwith, Department of Public Works
Superintendent Jeff Voss, Police Chief Allen Faust; nine members of the public were in attendance at Village Hall and approximately ten members of the public attended via Zoom.

A public hearing was held to entertain public comments on Introductory Local Law 1 of 2024 to amend Chapter 67 of the Village Code entitled, "Landscapers." The notice was printed in the Times Herald-Record on February 28, 2024.

The Pledge of Allegiance was made followed by roll call.

Mayor Citrin summarized the introductory local law as one that would regulate the actions of landscapers. The purpose of this law is to ensure that landscapers are aware of the provisions of the code that affect their work in the Village. There are about half a dozen provisions in the code which prohibit or limit certain types of activities, all of which are contained in the new landscaper law.

The Mayor said that this law is not designed as a revenue enhancer. It is designed to put the landscapers on notice that should they violate any of the code provisions, their license, which will be issued pursuant to this law, would be subject to suspension or resignation after a hearing before the Board of Trustees. They would be entitled to all the due processes, as someone is entitled to, when they have a license that is put at risk by their own conduct, and they will have every opportunity, should a hearing be held, to present any evidence necessary in their defense.

The Mayor also said that he proposed this law for the purpose of preserving our community and our environment. At the beginning of the spring season each landscaper is handed a piece of paper essentially listing the provisions of the code that apply to the work that they do. Mayor Citrin said that if a landscaper has a license and is aware that if they violate the specific

provisions set forth in that license they risk their ability to do business in the Village. The particular system that is proposed under this law will allow us to ensure that violations are less likely to occur, because the loss of the license is economically very damaging to any business. The landscapers and the tree cutters will, after this law is passed, take great care to ensure that those specific provisions of the code are followed and are not violated in any way, shape or form.

Open the Public Hearing
Resolution 0320-01

Be it resolved to open the Public Hearing on introductory Local law #1 of 2024, Landscapers.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

The Mayor invited members of the public to comment.

Jim Hays read the following letter:

We the undersigned support the proposed local law to license landscapers working in our Village. Some of us spoke at the February Board of Trustees meeting to this effect, but we would like to reiterate here our reasons for supporting this important initiative.

1. Build trust and confidence in partnerships between residents and landscapers

Implementing a license system will create a framework of trust and confidence between landscapers, residents and Village Boards. Licensed professionals will be demonstrably accountable, providing residents with peace of mind. Similarly, our Village Boards will be equipped with a transparent and easily managed method for oversight, thus fostering a collaborative environment in which responsible landscaping practices are encouraged and supported.

2. Enforce the existing Village Code

Our existing code contains many provisions governing landscaping activities. However, effective enforcement remains a challenge. The licensing system would establish a clear pathway to accountability, ensuring

that all landscapers operating within Tuxedo Park are familiar with and adhere to these regulations.

3. *Protect our reservoirs and ecosystem*

Tuxedo Lake provides our drinking water. The ecosystem of lakes, feeder streams and surrounding hills is not only integral to our community's character, but also vital for our well-being. Activities such as blowing leaf debris into the water and unauthorized and excessive tree removal increase soil erosion and storm water runoff to the detriment of our water quality, riparian buffers, wildlife habitats and overall environmental health. Ensuring that landscapers understand and observe existing regulations will help in advocating the long-term health of our reservoir and its surrounding ecosystems, preserving its beauty, and its ecological value for generations to come.

4. *Join peer communities in adopting a successful best practice*

Communities, such as the Village of South Hampton, Village of East Hampton, Village of Irvington and Princeton to name a few, use licensing effectively to ensure the quality of the landscaper contract work, protect their homeowners and to enforce their laws. Tuxedo Park will be adopting their tried and tested method. We hope the Trustees will vote tonight, or in the near future, to pass this much needed law.

Signed,

Allen Barnett

Christopher Broshears

Barry Freeman

Pam Breeman

Elizabeth Cotnoir

Brad Ewing

Henrique Faria

Christopher Gow

JoAnn Hanson

Jim Hays

Nancy Hays

Chiu yin Hempel

Gardener Hempel

Peter Hempel

Jake Lyndsay

Rob McQuilken

William Russell

Howard Shore

Meg Shore

Houston Stebbins

Dena Stebbins

Jason Swirbul

Jill Swirbul

Sally Sonne addressed the Board. She said that many of the reasons mentioned in the above letter were are very noble. She truly believes that we all should do our very best to preserve and love everything in Tuxedo Park.

But she does not think this law is the answer. The responsibility is always with the landowner. "What we need is education," she stated. "The landowner hires the landscaper (or the tree person) and tells them what to do and pays him. The landscaper is usually obliged to do what he

is told to do, what he's being paid for. The landowner must understand what the regulations are and then he passes these on to the landscaper." Ms. Sonne said that she buys fertilizer for her lawn, and when she does so she asks the store for something that is "right for the environment." And she said, "I have to trust them." She said that she would love to know what the best thing is to buy so that she can do the right thing.

Ms. Sonne also said that this law is not really well thought out and will not work. She went on to suggest that the bigger contractors would likely have no problem coming in on an annual basis to obtain the license and then passing the expense onto their customer base, but the contractors who are only working in the Village for a day or two might find the process burdensome and ultimately decide not to come.

Referencing the contractors who comes in one or two days a year to work on the Village trails as well as the tree work that is done occasionally, she wondered whether these individuals would need to visit the Village Office and obtain a permit before they would be able to do any work, further suggesting that she feared this might be too much for the gentleman who works on the Village trails.

Next, she wondered who would be responsible for enforcement. "I, frankly, would rather depend on the professionals I hire than amateurs from Tuxedo Park coming and telling me what to do and I think maybe other people feel the same way," she stated. In general, she feels that what has been proposed is burdensome and creates more bureaucracy and red tape. "I just don't see what good it will do. I really don't." She concluded by recommending more education for both the landowners and the landscapers, further noting that any handouts distributed to contractors at the front gate should be simplified, as opposed to being written in a "legal" language so that they "might be better understood and followed."

Ryan Lynch read a letter for the record:

Dear Trustees,

I am writing in against landscaper licensing in its current form. The Board of Architectural Review (BAR) has expressed agreement that landscapers should not be charged for the privilege of working in the Village, nor should they be expected to pay penalties. The BAR advises amending existing Village code to have more enforcement mechanisms. In its current form, none of those concerns has been addressed.

In my personal opinion, this proposal mirrors the existing Village code, while adding a tax to homeowners. This does nothing to further the goals set forth of protecting our environment. I echo the Garden Club's sentiment shared last meeting and serve to protect our beautiful community. As Chairman of the BAR, I know first-hand that leaving existing Village code with no enforcement mechanism leads to disastrous consequences.

Well-meaning codes have been written to protect our community's historic architecture, yet with no real enforcement mechanism for homeowners unwilling to comply, those codes are only as effective as the homeowner is willing. Most are good neighbors. When they are not, we end up with a half dozen air-conditioner units desecrating a historic façade. This has cost taxpayers tens of thousands in legal fees while offering no protection. Existing codes should not allow this. Our Village code explicitly forbids it.

Much like this current proposal, there is nothing stopping bad neighbors from disobeying the code. The gate cannot prevent my guest from entering. How might this be enforced? This will only reduce the number of landscapers and pass the cost on to rule-abiding homeowners. It will fail to protect our precious environment. I hope that we can hold ourselves to a higher standard of implementing effective policy.

Thank you for your time and your consideration.

JoAnn Hanson, participating remotely, responded to this. She said that this, in fact, is an enforcement mechanism that can be applied against the landscapers who have an incentive to comply. She said that she has seen the draft of the license. It makes quite clear to the landscapers their obligations and she thinks this serves as an effective enforcement mechanism.

Code Enforcement Officer John Ledwith said that he had received two emails from residents regarding this proposed law. Michael O'Neal wrote that he could not be in attendance for the public hearing but he wanted the minutes to reflect his opposition. Susan Boyle wrote,

I am writing to share my thoughts on this law. My husband and I have lived here for 20 years and do not understand why this law is required. We are a small village and if we legislate this where does our freedom go to employ who we wish on our own property beyond landscapers in the future – this will set a negative precedent. To me this is an invasion of privacy as well as an over stretch of government.

Trustee Scherer asked Mr. Ledwith if Mr. O'Neal had registered his opposition without explanation and Mr. Ledwith said that was correct.

Close the Public Hearing
Resolution 0320-02

Be it resolved to close the Public Hearing on introductory Local law #1 of 2024, Landscapers.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Abstain

REGULAR MEETING

Mayor Citrin called the meeting to order at 7:00 p.m.

Associate Justice Bronwyn Roantree led a ceremonial swearing in ceremony for the new Chief of Police, Allen Faust.

Reports to the Board **Resolution 0320-03**

Be it resolved that the Board add all written reports to the permanent record.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Aye

Approval of Minutes **Resolution 0320-04**

Be it resolved that the Board of Trustees approve the minutes from the following meetings:

- a. January 21, 2024 Regular Meeting
- b. February 20, 2024 Board of Assessment Review
- c. February 21, 2024 Regular Meeting
- d. March 12, 2024 Special Meeting
- e. March 13, 2024 Bid Opening

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Nay

Amended Resolution 0626-11
Resolution 0320-05

Be it resolved that the Board of Trustees approve to amend resolution 0626-11 so that all references to the Town of Tuxedo are Town/Village of Tuxedo and all references to the Village of Tuxedo Park are changed from “Village” to “Village of Tuxedo Park.”

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Aye

Local Law #1 of 2024 – Landscaper Licensing Law
Resolution 0320-06

Be it resolved that the Board of Trustees adopt Local Law #1 of 2024, Landscapers.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Nay
 Trustee Scherer – Aye
 Trustee Shaw – Nay

Change of Meeting Date
Resolution 0320-07

Be it resolved that the Board of Trustees change the regularly scheduled May 15, 2024 Board of Trustees meeting to May 22, 2024.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Aye

Munistat Agreement
Resolution 0320-08

Be it resolved that the Board of Trustees authorize Mayor Citrin to sign the service agreement with Munistat for fiscal year 2025.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Aye

Repair of DPW Truck
Resolution 0320-09

Be it resolved that the Board of Trustees authorize the repair of a DPW truck for \$18,588.39

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
 Deputy Mayor Lindsay – Aye
 Trustee Brooke – Aye
 Trustee Scherer – Aye
 Trustee Shaw – Aye

Wee Wah Fishing Club
Resolution 0320-10

Be it resolved that the Board of Trustees authorize the renewal of the lease with the Wee Wah Fishing Club.

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Associate Justice Continuing Education
Resolution 0320-11

Be it resolved that the Board of Trustees authorize the approval of Associate Justice Bronwyn Roantree to attend a required continuing education course for \$475.98.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Approval of Diver Harvesting Proposal
Resolution 0320-12

Be it resolved that the Board of Trustees approve the diver harvesting proposal received from New England Aquatic Services as follows:

- a. May Harvesting - \$16,000
- b. June/July Harvesting - \$4,000
- c. Summary Letter - \$55
- d. Additional daily rate at \$3,200 per day

Motion made by Mayor Citrin, seconded by Trustee Scherer.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Annual Shredding Event
Resolution 0320-13

Be it resolved that the Board of Trustees approve that the annual shredding event be held on April 9, 2024 from 1:30pm to 2:30pm at a cost of \$600.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Annual Fireworks Display
Resolution 0320-14

Be it resolved that the Board of Trustees allow the Tuxedo Club to have their annual 4th of July holiday fireworks display on Friday, July 5, 2024 (rain date July 6, 2024).

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Notary Class
Resolution 0320-15

Be it resolved that the Board of Trustees authorize Clerk Doherty to attend an online notary class for \$60, date to be decided.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Audit of Claims

Village Clerk-Treasurer Doherty noted for the record the audit of claims for the month of February as follows: General Fund - \$197,038, Sewer Fund - \$12,268.27 and Water Fund - \$33,149.52.

Enter Executive Session **Resolution 0320-16**

Be it resolved that the Board of Trustees leave the Public Meeting and enter Executive Session at 9:04 p.m. to discuss personnel matters, an appeal of a sewer charge and an attorney client matter.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Exit Executive Session **Resolution 0320-17**

Be it resolved that the Board of Trustees exit Executive Session and re-enter the Public Meeting at 9:38 p.m.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Adjournment **Resolution 0320-18**

Be it resolved that the Board of Trustees adjourn the Public Meeting at 9:38 p.m.

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Respectfully submitted,

Elizabeth A. Doherty

Elizabeth A. Doherty
Village Clerk-Treasurer