

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARING AND
REGULAR MEETING
OCTOBER 23, 2024**

Present: Mayor Marc D. Citrin
Deputy Mayor Michele Lindsay
Trustee Paul Brooke
Trustee Joshua Scherer (via Zoom)

Absent: Trustee Jedediah Turner

Clerk: Elizabeth A. Doherty

Village Attorney: Brian S. Stoler, 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, one member of the
public was in attendance at Village Hall and approximately fifteen members
of the public attended via Zoom.

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

Mayor Citrin began by reading the public hearing notice that was published in the Times Herald-Record on October 11, 2024:

Notice is hereby given that a Public Hearing will be held by the Village Board of the Village of Tuxedo Park, Orange County, New York, on October 23, 2024, at 7:00 pm or as soon thereafter as can be heard at the Village of Tuxedo Park, Village Hall, 80 Lorillard Road, Tuxedo Park, New York 10987 to consider the adoption of a Local Law about fences.

Said Local Law will be made available for review in the Village Clerk's Office, 80 Lorillard Road, Tuxedo Park, NY and may be examined after September 6, 2024 by any interested party from 9:00 am to 4:00 pm, Monday through Friday.

Please note that the date of this Public Hearing had previously been advertised as October 16, 2024. The date has been changed to October 23, 2024.

*By Order of the Village Board
of the Village of Tuxedo Park
Elizabeth Doherty, Village Clerk*

The Mayor mentioned that this local law was first discussed at the Board of Trustees meeting on May 22, 2024 and formally introduced at a Public Hearing on June 26, 2024. The Public Hearing was adjourned to July 17, 2024 and on that date it was formally cancelled so that it could be revised to incorporate comments received from the public. At tonight's public hearing the public will have the opportunity to comment on the revised version of the Fences law.

Open the Public Hearing
Resolution 1023-01

Be it resolved to open the Public Hearing on introductory Local law #2 of 2024, Fences.

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 Turner – Absent

Mayor Citrin opened the floor to the public for comments. No one came forward to speak. There were no comments from the Trustees.

Close/Adjourn the Public Hearing
Resolution 1023-02

Be it resolved to close the Public Hearing on revised introductory Local law #2 of 2024, Fences.

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 Turner – Absent

REGULAR MEETING

Mayor Citrin discussed the repairs needed from the Pond No. 3 Dam. The Dam was compromised when there was an earthquake on April 5, 2024. This project was deemed an emergency by Code Enforcement Officer John Ledwith and was therefore exempt from normal

bidding rules. Village engineers Weston & Sampson reached out to contractors they have worked with for bids. Two bids were received on October 15th:

1. Expert Concrete Restoration & Repair (ECRR)
14 Spielman Road
Fairfield, NJ 07004
\$10,897.73
2. Uretek USA, Inc.
13900 Humble Road
Tomball, TX 77375
\$49,640

Eve Mancuso, Principal Engineer at Brooker Engineering (a division of Weston & Sampson) explained that ECRR did not account for prevailing wages as required by State law. The contractor has agreed to update the bid amount accordingly, which will increase the bid. PE Mancuso said, "However, even with this adjustment, their bid amount will still be substantially lower than the other received bid."

Reports to the Board
Resolution 1023-03

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 Turner – Absent

Minutes
Resolution 1023-04

Be it resolved that the Board of Trustees approve the minutes from meetings held on September 18, 2024 (Regular Meeting) and September 30, 2024 (Special Meeting).

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 Turner – Absent

Halloween
Resolution 0626-05

Be it resolved to approve the formal observance of Halloween on Sunday, October 27th from 3:30 p.m. to 6:30 p.m., and the deployment of two Police Officers to supervise the children and ensure safety.

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 Turner – Absent

Pond #3 Dam
Resolution 1023-06

Be it resolved that the Board of Trustees authorize the Mayor to sign a contract with Expert Concrete Restoration and Repair in the amount of \$10,009.40 plus additional charges for prevailing wages, to repair Pond #3 Dam.

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 Turner – Absent

Negative Declaration Pursuant to
New York State Environmental Quality Review Act
Resolution 1023-07

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of a proposed local law to provide for comprehensive regulations for fences throughout the Village of Tuxedo Park; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of the proposed local law to provide for a comprehensive regulation of fences, and

- A. the proposed adoption the local law is an Unlisted Action under SEQRA;
- B. the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental description of the proposed action;
- C. the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
 - i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
 - v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
 - vii. the proposed action would not create a hazard to human health;

- viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
 - xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
 - xiii. the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- D. the proposed action would not have a significant adverse environmental impact;
- E. no further environmental review is required with respect to the proposed action, and
- F. the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

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 Turner – Absent

Exemption from County Taxation
Resolution 1023-08

Be it resolved that the Village of Tuxedo Park request permission from the County of Orange for the exemption from County Taxation in the Year 2026 on certain real property (SBL 213-3-12) located in the Town of Tuxedo for use of Village of Tuxedo Park water system

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 Turner – Absent

Appointment to BZA
Resolution 1023-09

Be it resolved that the Board of Trustees appoint Charlotte Worthy to the Board of Zoning Appeals to fill the vacancy created by the resignation of John Boyle. The term will end July 2026.

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 Turner – Absent

VARC Solutions
Resolution 1023-10

Be it resolved that the Board of Trustees authorize Clerk-Treasurer Doherty to sign the Client Services Agreement from VARC Solutions for QuickBooks consulting services at a rate of \$175 per hour. The Clerk expects to need less than five hours of support from them.

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 Turner – Absent

Audit of Claims

Bills in the amount of \$158,633.70 for the General Fund, \$6,667.88 for the Sewer Fund, \$68,063.66 for the Water Fund, and \$348.00 for the Professional Fees were audited and ordered paid.

Budget Transfers**General Fund**

3000 – Appropriated Surplus \$60,000 to 1620.4 – Buildings (DPW & Village Hall) - \$60,000

Water Fund:

8320.4 – Source of Supply Cont. \$30,000 to 8330.4 – Purification Cont. - \$30,000

Enter Executive Session
Resolution 1023-11

Be it resolved that the Board of Trustees leave the Public Meeting and enter Executive Session at 8:00 p.m. to discuss a land donation, FOIL request, an employee benefits issue and a Water account 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 Turner – Absent

Exit Executive Session
Resolution 1023-12

Be it resolved that the Board of Trustees exit Executive Session and re-enter the Public Meeting at 8:30 p.m.

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 Turner – Absent

Leak Study
Resolution 1023-13

Be it resolved that the Board of Trustees authorize the Water Department to expend the sum of \$3,000 to conduct a leak study for the length of water main from East Lake Road to the end of Crows Nest Road

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 Turner – Absent

Land Donation
Resolution 1023-14

WHEREAS, the owner of this parcel of land has offered to donate the vacant property in the Town of Tuxedo to the Village, which property is known as Section 214, Block 1, Lot 16.1 on the Tax Map of the Town of Tuxedo, and

WHEREAS, the property is proposed to be donated to the Village unconditionally,

NOW, THEREFORE, the Village accepts the unconditional donation and will use the land for municipal purposes.

This donation is subject to an inspection of the property and to a title search.

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 Turner – Absent

Adjournment
Resolution 1023-15

Be it resolved that the Board of Trustees adjourn the Public Meeting at 8:30 p.m.

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 Turner – Absent

Respectfully submitted,

A handwritten signature in black ink, reading "Elizabeth A. Doherty". The signature is written in a cursive style with a large, stylized 'E' and 'D'.

Elizabeth A. Doherty
Village Clerk-Treasurer