

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 26, 2023  
MINUTES  
Draft**

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

Clerk: Elizabeth A. Doherty

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

Attendees: Building and Land Use Officer John Ledwith, Department of Public Works  
Supervisor Jeff Voss, three members of the public were in attendance at  
Village Hall and approximately 27 members of the public via Zoom

This is the rescheduled monthly Board of Trustees meeting from June 21, 2023.

Mayor McFadden called the meeting to order at 7:04 p.m. with the Pledge of Allegiance. Roll call was taken.

**Enter Executive Session  
Resolution 0626-01**

Be it resolved that the Board of Trustees enter Executive Session for the purpose of discussing legal matters at 7:05 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

Executive Session ended at 7:57 p.m.

**Approval to Discharge Acting Counsel in  
Pending Election Litigation  
Resolution 0626-02**

Be it resolved that the Board of Trustees has voted to discharge Acting Counsel, Brian Nugent, Esq., from representation of named parties, “The Village of Tuxedo Park, and Elizabeth Doherty, Village Clerk and Chief Village Election Official” in *The Matter of Guazzoni v. THE VILLAGE OF TUXEDO PARK, et al*, Supreme Court Orange County Index Number: EF-004013, 2023.

Motion made by Trustee Brooke, seconded by Deputy Mayor Shaw.

Vote of the Board:

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

**Approval of Budget for Retainer  
for Independent Counsel in Pending Litigation  
Resolution 0626-03**

Be it resolved that the Board of Trustees approve the allocation of \$25,000 for retention of Independent Counsel Michael Burger, Esq., of Santiago Burger LLP, in collaboration with the Law Office of Joseph T. Burns, PLC, to represent named parties, “The Village of Tuxedo Park, and Elizabeth Doherty, Village Clerk and Chief Village Election Official” in the pending matter of: *Guazzoni v. THE VILLAGE OF TUXEDO PARK, et al*, Supreme Court Orange County Index Number: EF-004013, 2023.

Motion made by Trustee Brooke, seconded by Deputy Mayor Shaw.

Vote of the Board:

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

**Approval for Designation of Primary  
Point of Contact for Pending Litigation  
Resolution 0626-04**

Be it resolved the Board of Trustees has agreed that The Office of the Mayor will act as the primary point of contact for all matters associated with and strategic decisions on behalf of: The Village of Tuxedo Park, and Elizabeth Doherty, Village Clerk (in her capacity as) “Village Clerk and Chief Village Election Official” on behalf of The Village of Tuxedo Park, in regard in the pending litigation entitled: *The Matter of Guazzoni v. THE VILLAGE OF TUXEDO PARK, et al, Supreme Court Orange County Index Number: EF-004013, 2023*. It is agreed that the Office of the Mayor may, in its discretion, call upon The Board of Trustees to assist in evaluating strategic options posed by independent counsel.

Motion made by Trustee Brooke, seconded by Deputy Mayor Shaw.

Vote of the Board:

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

**Meeting with Legal Counsel  
Resolution 0626-05**

Trustee Kasker suggested that the Board of Trustees meet with the new legal counsel as soon as possible to be debriefed about attorney client privilege.

Motion made by made by Trustee Kasker, 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 – Aye

**Open the Public Hearing on Draft Local Law #1 of 2023  
Resolution 0626-06**

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 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 – Aye

Mayor McFadden asked if anyone from the public had any comments.

Claudio Guazzoni de Zanett said that the Board should think twice before changing anything about the lakes. We've had problems with the lake such as quality of water and milfoil. Increasing boat and dock size would be for the benefit of a few to the detriment of the many. Mr. Guazzoni de Zanett reminded the Mayor that he had promised to issue a survey.

Mayor McFadden responded that this local law is on indefinite hold. He said that he will keep his commitment to have a survey.

Jim Hays addressed the Board, saying that the survey would be very important. The results of the survey would greatly inform the Board's discussion. Dr. Hays said that there has been a lot of discussion in the community about this and about the power and speed of boats. Because of new technology, electric boats can go a lot faster than they did when the old law was put into effect. Dr. Hays suggested that the survey should include whether or not people want to see some limitation in the horse power or speed of the boats on the lake.

Mayor McFadden agreed with Dr. Hays.

Chiu Yin Hempel addressed the Board about some white slime that is floating on the water. Also, seaweed seemed to be just beneath the surface of the lake. She said she was not sure what it was, but that this should be looked into as soon as possible. Ms. Hempel said that we do not understand how to make our water truly healthy. We need to get a firm handle on the milfoil, algae and other lake-related problems before we introduce bigger docks and bigger boats with bigger engines which could (she emphasized that she didn't know for certain) exacerbate the problems, and which could cost the Village a lot of money to remediate. Ms. Hempel said that the lake was a communal resource and a critical one. It was not just a pleasure pond for the boat owners and the people who live around the lake.

Mayor McFadden said that we were waiting for permits to continue doing algae treatments on the lakes.

Trustee Scherer said that in November there was a survey of the lakes that showed that all milfoil had been eradicated. The lakes manager from last year was on the agenda to be approved to

continue work on the lakes this fiscal year. Trustee Scherer hoped that we would get to the bottom of this very quickly.

Dr. Hays responded that milfoil absorbs phosphates. He suggested that it was possible that in the absence of milfoil, phosphates were left over for other plants. Dr. Hays said it was likely that other plants, maybe natives, would become much more plentiful. If the milfoil wasn't there to use it something else would.

Mayor McFadden said that people on Pond #3 had noticed that there was a lot of aquatic plant growth, which they thought might be milfoil. The Mayor said that it was not milfoil, it was a weed that was now able to grow because the milfoil is no longer there.

Allen Barnett agreed with what had been said. He said this issue had the potential to cause damage to the environment, damage to the esthetics, damage to the value of the Park. He said that the Lakes Committee should be involved with this. Mayor McFadden agreed.

No further comments were received.

**Close the Public Hearing on  
Draft Local Law #1 of 2023  
Resolution 0626-07**

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

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 – Aye

Deputy Mayor Shaw asked why the Mayor was closing the Public Hearing when there wasn't a draft of the local law. The Mayor responded that when a draft version of the local law was ready he would call for another public hearing.

**May 17, 2023 Minutes**  
**Resolution 0626-08**

Be it resolved the Board of Trustees approve the minutes from May 17, 2023.

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 – Abstain  
Trustee Scherer – Aye  
Mayor David C. McFadden – Aye

**January 18, 2023 Revised Minutes**  
**Resolution 0626-09**

Clerk Doherty explained that the vote for Resolution 0118-08, “Resolution Authorizing Pending Litigation and Issuance of Certificate of Occupancy” was recorded incorrectly. The vote for Mayor McFadden had previously been recorded as “Abstain” but it should have been “Aye.”

Be it resolved the Board of Trustees approve the revised minutes from January 18, 2023.

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

**Consent Agenda**  
**Resolution 0626-10**

Be it resolved the Board of Trustees approve 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 – 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 the Hiring of Part-Time Police Office Scott Vecchio Effective June 22, 2023
- c. Approval to Pay Furlane \$4,085 for Training and Support

**Adoption of Local Law #2 of 2023  
Approving Annexation of Two Parcels of Land  
From the Town to the Village  
Resolution 0626-11**

WHEREAS, Rattlesnake Mountain Preserve LLC, submitted a petition seeking to annex two (2) parcels of land located in the Town of Tuxedo (“Town”), which is designated on the Town tax maps as Section 208, Block 1, Lot 25 (formerly S/B/L 8-1-25) and Section 209, Block 1, Lot 26 (formerly S/B/L 9-1-26) (collectively “the Territory”); and

WHEREAS, it is the responsibility of the Village Board to consider and evaluate the potential benefits and impacts of annexation; and

WHEREAS, a joint public hearing was conducted on January 23, 2023 to provide an opportunity for residents and stakeholders to express their views and concerns regarding the proposed annexation; and

WHEREAS, the Village Board has thoroughly reviewed the proposed annexation; and

WHEREAS, the Village Board has determined that the annexation of the Territory is in the best interest of the Village of Tuxedo Park and its residents; and

WHEREAS, the Village Board desires to adopted a local law to finalize such annexation.

NOW, THEREFORE, BE IT RESOLVED that:

- Section 1. The Village Board hereby adopts a Local Law No. 2 of 2023 entitled, “**A LOCAL LAW OFFICIALLY ANNEXING INTO THE VILLAGE OF TUXEDO PARK CERTAIN PARCELS OF PROPERTY PREVIOUSLY LOCATED IN THE TOWN OF TUXEDO AND IDENTIFIED ON THE TOWN TAX MAPS AS SECTION 208, BLOCK 1, LOT 25 (FORMERLY S/B/L 8-1-25) AND SECTION 209, BLOCK 1, Lot 26 (FORMERLY S/B/L 9-1-26).**”

- Section 2: The Territory shall be incorporated into the Village of Tuxedo Park and become subject to all applicable laws, ordinances, and regulations of the Village and the owners of the annexed parcels of land shall be responsible for paying all necessary fees, assessments, and taxes associated with the annexation.
  
- Section 3. 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 Resolution, including, but not limited to, effectuating any necessary adjustments to zoning or land use regulations and the Village Zoning and official map to reflecting the annexation of the Territory.
  
- Section 4. The annexation of the Territory shall be consistent with the Resolution, Order and Finding adopted by the Village Board on April 19, 2023.
  
- Section 5. The Village Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Village of Tuxedo Park, and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.
  
- Section 6. This local law shall take effect immediately upon filing with the New York Secretary of State.
  
- Section 7. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion by Mayor McFadden, seconded by Deputy Mayor Shaw, 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.



**Road Paving and  
Road Maintenance Costs  
Resolution 0626-12**

On a motion made by Mayor McFadden, seconded by Tinka Shaw, it was resolved to increase the budget for road paving and road maintenance costs from \$200,000 to \$250,000 (budget line to be determined).

Vote of the Board:

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

**Ryan Lynch Appointment  
Resolution 0626-13**

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw to appoint Ryan Lynch to fill an open seat on the BAR to be determined.

Vote of the Board:

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

**Lakes Manager GEI  
Resolution 0626-14**

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw for GEI to be the Village of Tuxedo Park Lakes Manager.

Vote of the Board:

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

**Wee Wah Dumpster  
Resolution 0626-15**

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw to approve a dumpster to be installed at the entrance to the Wee Wah Park.

Vote of the Board:

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

**Intermunicipal Agreement with Town  
For Use of the Wee Wah Park  
Resolution 0626-16**

Be it resolved that the Board of Trustees approve the Intermunicipal with the Town of Tuxedo for the use of the Wee Wah Park by the Town of Tuxedo Summer Camp.

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

**Stone Wall Repair  
Resolution 0626-17**

Be it resolved that the Board of Trustees award the stone wall repair to bidder HC Landscaping.

Motion 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

**Arold Repair**  
**Resolution 0626-18**

Be it resolved that the Board of Trustees approve payment to Arold Construction Company in the amount of \$104,343.30 (Payment Requisition #4).

Motion 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

**CDBG**  
**Resolution 0626-19**

Be it resolved that the Board of Trustees authorize the signing of the CDBG resolution.

Motion 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

**Travelers Insurance Police**  
**Resolution 0626-20**

Be it resolved that the Board of Trustees approve the continuation of the Village insurance policy with Travelers.

Motion 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

**A Tree Cutting Service, LLC  
Resolution 0626-21**

Be it resolved to pay A Tree Cutting Service, LLC for work done on behalf of the Trails Committee. The line item for funds shall be from the private donations made to the Trails Committee.

Motion 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

**NYCLASS  
Resolution 0626-22**

Be it resolved that the Board of Trustees assign a committee made up of Deputy Mayor Shaw, Trustee Joshua Scherer, Building and Land Use Officer John Ledwith and Village Clerk-Treasurer Elizabeth Doherty, to make recommendations to the Board of Trustees as to how much should be invested in NYCLASS, and that they have the authority to move forward immediately with the investment so that the Village can benefit from the higher interest rates that NYCLASS offers.

Motion 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 – Aye

**Municipal Cooperation Agreement  
Resolution 0626-23**

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns, and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance amount themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Village of Tuxedo Park wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Village of Tuxedo Park wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Trustee Joshua Scherer, Trustee of the Village of Tuxedo Park is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Motion 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

**Audit of Claims**

Village Clerk-Treasurer noted for the record the audit of claims as follows: General Fund - \$108,783.60, Sewer Fund - \$2,967.64 and Water Fund - \$16,863.66.

**Enter Executive Session**  
**Resolution 0626-24**

Be it resolved that the Board of Trustees enter Executive Session to the purpose of discussing certain Village employees, hiring a DPW employee, negotiation of the DPW contract and a water utility collection matter at 9:41 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 0626-25**

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 9:57 p.m.

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

**New DPW Employee**  
**Resolution 0626-26**

Be it resolved that the Board of Trustees authorize the hiring of a new DPW employee.

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

**DPW Contract**  
**Resolution 0626-27**

Be it resolved that the Board of Trustees authorize the Mayor to sign the DPW contract for an extension of three years.

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

**Settlement Offer**  
**Resolution 0626-28**

Be it resolved that the Board of Trustees have approved a settlement offer on an open utility bill presented by the collection company.

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

**Adjournment**  
**Resolution 0626-29**

Be it resolved to adjourn the public meeting at 9:58 p.m.

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

Respectfully submitted,

Elizabeth A. Doherty  
Village Clerk-Treasurer