

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARINGS AND
REGULAR MEETING
NOVEMBER 17, 2021
MINUTES
Draft**

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

Absent: Trustee Paul Brooke

Clerk: Elizabeth A. Doherty

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

Attendees: Building and Land Use Officer John Ledwith; Joseph Zongol, Team Leader and Associate (Weston & Sampson); and Joshua Hawley, Project Manager (Weston & Sampson); 10 people at Village Hall and about 37 members of the public via Zoom

Mayor McFadden called the Public Hearing to order at 6:30 p.m. and led the Pledge of Allegiance. Roll call was taken.

**Resolution to Open the Public Hearing on Local Law #3 of 2021
Resolution 1117-01**

Be it resolved the Board of Trustees open the Public Hearing to discuss Local Law #3 of 2021: A Local Law to review site plans 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

Resolution to Close the Public Hearing
Resolution 1117-02

Be it resolved to table the Public Hearing to discuss Local Law #3: A Local Law to review site plans in the Village of Tuxedo Park, to December 15, 2021 at 6:30 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

The public hearing was adjourned at 6:32 p.m.

Resolution to Open the Public Hearing on Local Law #4 of 2021
Resolution 1117-03

Be it resolved the Board of Trustees open the Public Hearing to discuss Local Law #4: To revise dock and boat sizes on 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 – Absent
Mayor David C. McFadden – Did not vote

Resolution to Continue the Public Hearing on Local Law #4 of 2021
Resolution 1117-04

Be it resolved the Board of Trustees table the Public Hearing to discuss Local Law #4: To revise dock and boat sizes on Wee Wah Lake in the Village of Tuxedo Park, to December 15, 2021 at 6:40 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

The public hearing was adjourned at 6:48 p.m.

Mayor McFadden called regular monthly meeting of the Board of Trustees to order at 7:00 p.m. and led the Pledge of Allegiance. Roll call was taken.

Consent Agenda
Resolution 1117-05

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. Accept all written reports to the permanent record
- b. Approve the minutes from the October 25, 2021 Regular Meeting and the October 29, 2021 Special Meeting
- c. Approval to form a new committee name the Solar committee to research and present possible uses of solar technology in the Village; to be chaired by Trustee Joshua Scherer
- d. Resolve to change the name of the Wee Wah Park & Lake Committee to the Wee Wah Park Committee; and resolve to change the name of the Village Lakes & Reservoir Committee to the Village Lakes Committee
- e. (Removed from Consent Agenda)
- f. (Removed from Consent Agenda)
- g. (Removed from Consent Agenda)
- h. (Removed from Consent Agenda)
- i. Approve migrating from QuickBooks desktop to QuickBooks online and authorizing the Trustees access to view reports
- j. (Removed from Consent Agenda)
- k. Resolution introducing a Draft Local Law #5 of 2021 – A Local Law to remove all

references to vehicle tags in the Village Code; and to schedule a public hearing for 6:50 p.m. on Wednesday, December 15, 2021 at the Village Hall to hear comments on the proposed law

- l. Resolution requiring a memo summarizing the results of the bank requisition be made available to the Board of Trustees within ten days of the receipt of the bank statements
- m. Authorize the Fyke Nature Association to have their annual Christmas Bird Count on Saturday, December 18, 2021, for approximately two hours from 10 a.m. to 12 p.m.
- n. Authorize the tuxedo Joint Fire District to reappoint Commissioner Gardiner Hempel to a five-year term beginning January 1, 2022
- o. (Removed from Consent Agenda)
- p. Authorize John Ledwith to put an oil tank and snow plow up for auction
- q. Authorize the Police Department to increase the maximum number of Part-Time Police Officers to 30

Cooper Arias LLP Professional Services
Resolution 1117-06

Be it resolved that the Board of Trustees approve eight hours of professional services to be charged to budget line 1320.4 (Treasurer-Contractual) for Cooper Arias LLP to do a pre-budget audit in preparation for the 2022-2023 budget.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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

Desiree Hickey Additional Hours
Resolution 1117-07

Be it resolved that the Board of Trustees approve fifteen additional hours to be charged to budget line 1325.1 (Treasurer-Personnel) for Desiree Hickey to assist Elizabeth Doherty with the backlog of billing applicants' fees for the Village engineer and architect.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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

Waive Applicant's Fees
Resolution 1117-08

Be it resolved that the Board of Trustees approve waiving applicant's fees for the Village engineer and architect for three residents.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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

Temporary Short-Term Moratorium on Applicant Billing
Resolution 1117-09

Be it resolved that the Board of Trustees approve a temporary short-term moratorium on applicant billing for Village engineer and architect through the BAR.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – No
Trustee Scherer – Aye
Mayor David C. McFadden – Aye

Survey of Past BAR, BZA and PB Applicants
Resolution 1117-09

Be it resolved that the Mayor, Planning Board Chairperson, BAR Chairperson and John Ledwith draft a written survey to send to past applicants before the BAR, BZA and PB to seek constructive comments for improving the application process.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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 discussion of overdue water bills was tabled to Executive Session.

Hire NYS Pool Management
Resolution 1117-10

Be it resolved the Board of Trustees accept the recommendations of the Wee Wah Park Committee to hire NYS Pool Management to manage the 2022 summer swimming season for the Village and Hamlet members to be funded by membership fees.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – No
Trustee Scherer – Aye
Mayor David C. McFadden – Aye

Vehicle Charge Plan
Resolution 1117-11

Be it resolved that the Board of Trustees accept the vehicle charge plan dated November 12, 2021 including all the hand-noted changes made to the document during the discussions that took place prior to this vote. The Mayor may suggest a line item or line items to achieve a \$20,000 number.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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

Budget Transfers
Resolution 1117-12

Be it resolved that the Board of Trustees make the following budget transfers: \$3,000 from 1325.44 (IT Support) to 1325.2 (Treasurer-Equipment) and \$4,000 from 1325.44 (IT Support) to 1325.4 (Treasurer-Contractual).

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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
Resolution 1117-13

Be it resolved that the Board of Trustees authorize the Mayor to sign the audit of claims comprised of the General Fund - \$415,416.21, Water Fund - \$59,777.43 and Professional Fees - \$1,527.00.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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 1117-14

Be it resolved that the Board of Trustees exit the public meeting to enter Executive Session at 8:58 p.m. for the purpose of discussing employment of a specific persons, the PBA collective bargaining agreement, collection of water bills, and a legal matter.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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 1117-15

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 9:11 p.m.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye

Advertise for Opening Position
Resolution 1117-15

Be it resolved that the Board of Trustees authorize John Ledwith and Jeff Voss to advertise for an opening in the Department of Public Works.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye

Collections
Resolution 1117-16

Be it resolved that the Board of Trustees approve sending a group of water customers that are in arrears in the Town to a collection agency. These accounts had been identified because they are already received two notices from the Water Clerk. That list is available by FOIL.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent

Trustee Christopher Kasker – Aye
Trustee Scherer – Aye

Adjournment
Resolution 1117-17

Be it resolved that the Board of Trustees adjourn this meeting at 9:15 p.m.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Absent
Trustee Christopher Kasker – Aye
Trustee Scherer – Aye

Respectfully submitted,

Elizabeth A. Doherty
Village Clerk-Treasurer