

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARINGS AND
REGULAR MONTHLY
MEETING MINUTES
OCTOBER 25, 2021
Draft**

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; Police Chief David Conklin
Members of the Public present on site and via Zoom

This meeting took the place of the regularly monthly meeting that would have been held on Wednesday, October 20, 2021.

Mayor McFadden called the first public hearing to order at 6:51 p.m. and led the Pledge of Allegiance. Roll call was taken.

**Open the Public Hearing to Discuss Local Law #2 of 2021
Resolution 1025-01**

Be it resolved that the Board of Trustees open the Public Hearing to discuss Local Law #2 of 2021: To opt-out of allowing cannabis dispensaries and on-site cannabis consumption establishments within the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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 to Discuss Local Law #2 of 2021
Resolution 1025-02**

Be it resolved to close the Public Hearing to discuss Local Law #2 of 2021: To opt-out of allowing cannabis dispensaries and on-site cannabis consumption establishments within the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Open the Public Hearing to Discuss Local Law #3 of 2021
Resolution 1025-03**

Be it resolved the Board of Trustees open the Public Hearing to discuss Local Law #3 of 2021: To review site plans in the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Extend the Public Hearing to Discuss Local Law #3 of 2021
Resolution 1025-04**

Be it resolved to extend the Public Hearing to discuss Local Law #3 of 2021: To review site plans in the Village of Tuxedo Park to November 17, 2021 at 6:40 p.m.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Open the Public Hearing to Discuss Local Law #4 of 2021
Resolution 1025-05**

Be it resolved the Board of Trustees open the Public Hearing to discuss Local Law #4 of 2021: To revise dock and boat sizes on Wee Wah Lake, Pond #3 and Tuxedo Lake in the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Keep Open the Public Hearing to Discuss Local Law #4 of 2021
Resolution 1025-06**

Be it resolved the Board of Trustees keep open the Public Hearing to discuss Local Law #4: To revise dock and boat sizes on Wee Wah Lake, Pond #3 and Tuxedo Lake in the Village of Tuxedo Park to November 17, 2021 at 6:50 p.m.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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 Hearings
Resolution 1025-07**

Be it resolved that the Board of Trustees close the public hearings and adjourn this meeting.

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

Mayor McFadden called regular monthly meeting of the Board of Trustees to order at 7:15 p.m. and led the Pledge of Allegiance. Roll call was taken.

**Consent Agenda
Resolution 1025-08**

Be it resolved the Board of Trustees accept the items (a) through (d) and items (f) through (n) 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. Accept all written reports to the permanent record
- b. Approve minutes from the September 21, 2021 Special Meeting
- c. Accept the resignation of Part-Time Police Officer Frank Basile, effective October 22, 2021
- d. Authorize the Police Department to accept the bids received on Auctions International for surplus equipment at a total price of \$8,426 –
 - 2016 Ford Explorer Police Vehicle – Final bid \$7,800
 - Rear Cargo Cage – Final bid \$10.00

- Universal Gun Rack – Final bid \$10.00
 - Brother Pocket Jet Printer – Final bid \$16,00
 - Set of Emergency Lights – Final bid \$590.00
- e. Replace TekWave with SafePassage
 - f. Authorize the Mayor to declare Friday, April 29, 2022, to be Arbor Day
 - g. Refund the Building Permit fees paid by Lauren and Claude Guinchard due to the revisions made in their master plan approved by the BAR for 66 Clubhouse Road
 - h. Grant the Wee Wah Fishing Club permission to stock Wee Wah Lake this Fall with 450 walleye, 175 rainbow trout and 1,000 fathead minnows in compliance with the 2021 DEC Fish Stocking Permit
 - i. Authorize Peter Van Zandt to stock Tuxedo Lake this Fall with approximately 1,900 trout in compliance with the 2021 DEC Fish Stocking Permit; the cost for this is \$12,000 which will be shared evenly with the Tuxedo Club using budget code 1989.4F; the Village will pay \$6,000
 - j. Request permission from the County of Orange for the exemption from county taxation in the year 2023 on certain real property located in the Town of Tuxedo for use of Village of Tuxedo Park water system
 - k. Authorize retroactively the buyout of the photocopier at the Village Office as of August 2021 at the conclusion of a four-year lease at the cost of \$1,497.01 from budget code 1670.4
 - l. Authorize the acceptance of the bid from Auctions International of \$4,050 for the 1997 snow blower
 - m. Requesting authorization for Deputy Clerk Spalthoff to adjust Water Account #252 by \$491.30. An incorrect meter reading was reported causing customer to be overcharged in Q2 bill cycle.
 - n. Authorization to spend up to \$2,850 to replace and relocate the existing generator transfer switch in the Village Office, budget code 1620.4 (Buildings-contractual).

**SafePassage
Resolution 1025-09**

Be it resolved the Board of Trustees replace TekWave with SafePassage as the auto-gate opener vendor

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Brooke – Aye
Trustee Christopher Kasker – No
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

**Local Law #2
Resolution 1025-10**

Be it resolved the Board of Trustees authorize the passage of draft Local Law #2: To opt out of allowing cannabis dispensaries and on-site cannabis consumption establishments within the Village of Tuxedo Park.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Relocation of DPW Building and Village Office
Resolution 1025-11**

Be it resolved that the Board of Trustees authorize Weston & Sampson to produce a concept diagram for the DPW Building and Village Office relocation at a cost of \$3,900 to be budgeted from line 1620.22 (Buildings-Other).

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**MLC Financing Proposal
Resolution 1025-12**

Be it resolved that the Board of Trustees accept the financing proposal from MLC for a five-year tax-exempt lease purchase of one freightliner M2106 and hydraulic spreader for the DPW at a cost of \$148,031 and one Police interceptor at a cost of \$47,895. Five annual payments of \$43,260.98 will be made; \$10,815.24 will be charged to budget code 3120.22 (Police-equipment) and \$32,445.74 will be charged to budget code 5130.2 (Machinery-equipment).

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

**Audit of Claims
Resolution 1025-13**

Be it resolved that the Board of Trustees authorize the Mayor to sign the audit of claims comprised of the General Fund - \$202,472.13, Water Fund - \$32,932.74 and Professional Fees - \$4,997.70, and Capital Projects - \$7,493.60.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Enter Executive Session
Resolution 1025-14**

Be it resolved that the Board of Trustees temporarily leave the Public Meeting to enter Executive Session at 8:44 p.m. to discuss employment matters of three persons and an ongoing legal case.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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 1025-15**

Be it resolved that the Board of Trustees exit Executive Session at 9:07 p.m. and re-enter the public meeting.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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

**Resolution to Adjourn
Resolution 1025-16**

Be it resolved to adjourn the public meeting at 9:07 p.m.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

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
Village Clerk-Treasurer

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
SPECIAL MEETING
OCTOBER 29, 2021
MINUTES
Draft**

Present: Mayor David McFadden
Deputy Mayor Anna (Tinka) Shaw (via Zoom)
Trustee Paul Brooke (via Zoom)
Trustee Christopher Kasker (via Zoom)
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
Members of the Public: Three members of the public via Zoom

Mayor McFadden called the Special Meeting to order at 10:31 a.m. and led the Pledge of Allegiance. Roll call was taken.

Resolution 1029-01

A meeting of the Village Board of the Village of Tuxedo Park was convened on October 29, 2021 at 10:30 a.m.

The following resolution was duly offered and seconded to wit:

**RESOLUTION AUTHORIZING THE EXECUTION OF UTILITY EASEMENT
AGREEMENTS FOR THE OVERTON SUBDIVISION**

WHEREAS, the Village of Tuxedo Park Planning Board has provided approval for the subdivision of certain properties into nine (9) single-family building lots to be known as the "Overton Mountain Farm & Camp Comfort Roads" Subdivision; and

WHEREAS, Utility Easement Access Agreements concerning these properties, located at Tax Map IDs 101-1.6.21, 101-1.6.22 at Lots 2, 4 and 6, are required for the purpose of establishing necessary connections to existing sewer and water lines; and

WHEREAS, the Easement Agreements have been signed by property owner, John Overton, reviewed by Special Counsel for the Village, Feerick Nugent MacCartney, PLLC, and must be executed by the Village to be filed with the Orange County Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference as if set forth fully.

Section 2. The Village Board hereby authorizes the Mayor to execute the Easement Agreements and any addition documents necessary to carry out the provisions of this Resolution.

Section 3. Upon the Mayor’s execution of said documents, the Village Clerk or any other Village official is authorized to take any necessary steps to cause or facilitate the filing of the necessary documents with the Orange County Clerk’s Office.

Section 4. 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 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 1029-02

A meeting of the Village Board of the Village of Tuxedo Park was convened on October 29, 2021 at 10:30 a.m.

The following resolution was duly offered and seconded to wit:

RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI LITIGATION

WHEREAS the Village Board of Tuxedo Park, New York ("Village Board") in the years 2020 and 2021 made assessments of real property by the Town Assessor; and

WHEREAS, litigation was commenced by property owners seeking a review of such assessments; and

WHEREAS, the Village Board is empowered and authorized to review any proposed settlement of tax certiorari matters and reject or approve such settlements as recommended by professionals employed by the Village; and

WHEREAS, Special Counsel Feerick Nugent MacCartney, PLLC for the Village has approved the settlement of this matter following consultation with the Village Board and an independent expert appraiser and all professionals employed by the Village recommend that it is in the best interest for the Town to resolve the litigation entitled Hume R. Steyer v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Village of Tuxedo Park and Village of Tuxedo Park, under Index Nos.: EF002551/2020 and EF002386/2021 for the assessment years 2020 and 2021 (the "Litigation"), pursuant to the terms and conditions set forth in the settlement documents annexed hereto as Exhibit "A."

NOW, THEREFORE, be it is resolved as follows:

Section 1. The above "WHEREAS" clauses are incorporated herein by reference as if set forth fully.

Section 2. Special Counsel aforesaid for the Village is hereby authorized to execute a Consent Order to resolve the Litigation upon the terms and conditions set forth in the settlement documents annexed as Exhibit "A," because such a settlement of the Litigation is in the best interest of the Village.

Section 3. 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.

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,

Elizabeth A. Doherty
Village Clerk-Treasurer