

Village Liability at Wee Wah During the Off Season

David McFadden <dmcfadden@tuxedopark-ny.gov>

Wed 9/15/2021 4:48 PM

To: Tinka Shaw <tshaw@tuxedopark-ny.gov>; Chris Kasker <ckasker@tuxedopark-ny.gov>; Paul Brooke <paulbrooke@me.com>; Joshua Scherer <jscherer@tuxedopark-ny.gov>
Cc: John Ledwith <jledwith@tuxedopark-ny.gov>; Elizabeth Doherty <edoherty@tuxedopark-ny.gov>; Shannon Daly <ShannonD@fnmlawfirm.com>; Brian Nugent <bnugent@fnmlawfirm.com>; Robert Zitt <rzitt@fnmlawfirm.com>

Dear Trustees,

This is an email exchange with our insurance broker, Bob Stubbs. We are covered for swimming and other things. The email is self-explanatory.

Mac

From: Bob Stubbs <bstubbs@marshallsterling.com>
Sent: Wednesday, September 15, 2021 4:09 PM
To: David McFadden <dmcfadden@tuxedopark-ny.gov>
Subject: Re: Municipal Insurance Renewal

Liability coverage will be provided.

If you don't have conspicuous "swim at your own risk" signs in place for the off season, I recommend installing some.

Sent from my iPhone

On Sep 15, 2021, at 4:00 PM, David McFadden <dmcfadden@tuxedopark-ny.gov> wrote:

What if someone gets injured or drowns swimming tomorrow

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Bob Stubbs <bstubbs@marshallsterling.com>
Date: 9/15/21 3:44 PM (GMT-05:00)
To: David McFadden <dmcfadden@tuxedopark-ny.gov>
Cc: John Ledwith <jledwith@tuxedopark-ny.gov>, Elizabeth Doherty <edoherty@tuxedopark-ny.gov>, Renee Duncan <rduncan@marshallsterling.com>, Lydia Negron <lnegron@marshallsterling.com>

Subject: RE: Municipal Insurance Renewal

David,

Village of Tuxedo Park's insurance policy includes property coverage on the bath house at 77 Wee Wah Road. This means 77 Wee Wah Road is automatically a covered location for liability. The amenities you have there are akin to a public park and it's not necessary to specifically list anything for liability coverage.

Should you decide to take over running the beach next summer season, a liability premium will only be charged if it increases your budgeted expenditures in some way. Please let us know if you do decide to take over beach operations next summer as there will be some underwriting questions (mostly about controls & safety) that need to be answered.

Lastly, the Village's insurance policy includes coverage for alcohol related claims because you are not "in the business" of selling or serving alcohol.

Regards,

Bob Stubbs
Consultant
Marshall & Sterling Inc.
103 Executive Dr., Suite 101
New Windsor, NY 12553
Cell 845-642-2458

From: David McFadden <dmcfadden@tuxedopark-ny.gov>
Sent: Wednesday, September 15, 2021 1:31 PM
To: Bob Stubbs <bstubbs@marshallsterling.com>
Subject: RE: Municipal Insurance Renewal

The clubs season is over and I want to allow the use independently of the club for fall winter and spring

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Bob Stubbs <bstubbs@marshallsterling.com>
Date: 9/15/21 1:27 PM (GMT-05:00)
To: David McFadden <dmcfadden@tuxedopark-ny.gov>
Subject: Re: Municipal Insurance Renewal

Hi David,

Is Wee Wah Beach Club still in existence? I believe the location you're referring to has been insured separately (for liability) by them with the Village listed as an additional insured.

Bob Stubbs
Consultant
Marshall & Sterling Inc.
845-642-2458

Sent from my iPhone

On Sep 15, 2021, at 1:12 PM, David McFadden <dmcfadden@tuxedopark-ny.gov> wrote:

Hi Bob,

As you may know we allow property owners on Pond No. 3 and Wee Wah Lake to swim at their own risk. The Village owns a property on Wee Wah lake that we allow all resident and non-resident property owners and their attended guests to use. It is laid out as a perk with barbeque stands, basketball, volleyball, a lavatory, parking and swimming. We do not sell or prohibit alcohol. This park has been open for many years. I just want to double-check that our policy covers all potential liabilities?

Thanks!

Mayor David McFadden

If possible, I would like to report the answer to the trustee at this evening meeting.