

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARINGS AND
REGULAR MEETING
DECEMBER 15, 2021
MINUTES**

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

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;
DPW Superintendent Jeff Voss; about 3 people at Village Hall and about 19
members of the public via Zoom

Mayor McFadden called the Public Hearing to order at 6:30 p.m. Roll call was taken.

**Resolution to Open the Public Hearing on Local Law #3 of 2021
Resolution 1215-01**

Be it resolved the Board of Trustees open the Public Hearing to discuss Local Law #3 of 2021:
A Local Law to amend Village Law related to site plan approval.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

**Resolution to Continue the Public Hearing on Local Law #3 of 2021
Resolution 1215-02**

Be it resolved that the Board of Trustees continue the Public Hearing on Local Law #3 of
2021: A Local Law to amend Village Law related to site plan approval on January 19, 2022 at
6:50 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

Adjournment
Resolution 1215-03

Be it resolved that the Board of Trustees adjourn the public hearing.

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

The public hearing was adjourned at 6:33 p.m.

Resolution to Open the Public Hearing on Local Law #4 of 2021
Resolution 1215-04

Be it resolved the Board of Trustees open the Public Hearing on draft Local Law #4 of 2021: A Local Law to amend local law to revise dock and boat sizes on all Village lakes.

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

Resolution to Close the Public Hearing on Local Law #4 of 2021
Resolution 1215-05

Be it resolved the Board of Trustees close the Public Hearing and cancel any further public hearings until the law is in draft form.

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

The public hearing was adjourned at 6:40 p.m.

Resolution to Open the Public Hearing on Local Law #5 of 2021
Resolution 1215-06

Be it resolved that the Board of Trustees open the Public Hearing on draft Local Law No. 5 of 2021: A Local Law to amend Village law related to access to the village 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

Resolution to Close the Public Hearing on Local Law #5 of 2021
Resolution 1215-07

Be it resolved that the Board of Trustees close the Public Hearing on draft Local Law No. 5 of 2021: A Local Law to amend Village law related to accessing the Village.

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

Adjournment
Resolution 1215-08

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

The public hearing was adjourned at 6:51 p.m.

Mayor McFadden called the 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 1215-09

Be it resolved the Board of Trustees accept the items 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. Add all written reports to the permanent record;
- b. Approval of minutes from the Board of Trustees Special Meeting on November 12, 2021 and the Board of Trustees Regular Meeting on November 17, 2021;

- c. (Removed from Consent Agenda);
- d. Approve Local Law No. 5 of 2021 – A Local Law to amend Village Law related to access to the Village;
- e. (Removed from Consent Agenda);
- f. (Removed from Consent Agenda);
- g. Award Village Office fuel oil tank replacement to Cross River Environmental at a cost of \$2,150 for a double walled tank;
- h. Approve adjusting the water billing for Account #365 from \$466.95 to \$330.41 due to failed water meter test and approve changing the water billing for account #655 from \$1,327.45 to \$232.20 due to the temporary relocation of the water meter;
- i. Fold the Solar Panel Committee into the Climate Smart Community Task Force;
- j. Approve John Ledwith declare the following DPW items surplus and to place the items for sale at public auction and granting John the authority to approve the highest bid and implement the transfer of goods:
 - i. 2010 F250 with plow
 - ii. Sander
 - iii. Johnson Outboard Motor 9.5 hp
 - iv. Leaf blower conversion
 - v. Wisconsin engine with Kohler generator
 - vi. Plow for 1990 Chevy Kodiak
 - vii. Cement Mixer
 - viii. Plow 9'
 - ix. Diesel Engine – Perkins 4 cylinder
 - x. Potassium Permanganate – Approximately 200 gallons
 - xi. Two 500 gallon aluminum fuel tanks. One tank contains 250 gallons of fuel oil that is two years old and the second tank has approximately 375 gallons of kerosene that is over ten years old
 - xii. 1,000 gallon fuel oil tank, double walled;
- k. Approve purchase of decorative bollard cover at a cost of \$1,477.25;
- l. Approve the reappointment of members of the Tree Advisory Board to the following terms:
 - Christopher Gow (Chair): 3 year term
 - Chiu Yin Hempel (Member): 3 year term
 - Jill Swirbul (Member): 2 year term
 - Father Richard Datos-Robyn (Member): 2 year term.

QuickBooks Services
Resolution 1215-10

Be it resolved that the Board of Trustees approve two months of services from QuickBooks at a cost of \$500 for the first month and \$200 for the second month to: A. Transfer voucher system from Excel to QuickBooks; B. Transfer Village Budget from Excel to QuickBooks; and, C. Organize Chart of Accounts.

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

Walter Cooper, Communications Consultant

Resolution 1215-11

Be it resolved that the Board of Trustees hire communications consultant Walter Cooper to work directly with the communications committee pending a review of his references, approval of the Village scope of work, and other items based on the strategy that we have in mind for our communications system in the Village of Tuxedo Park not to exceed \$12,000; and that Trustee Kasker is replaced by Trustee Shaw as committee liaison.

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

Resolution Imposing a Requirement for Masks/Face

Coverings in all Municipal Facilities

Resolution 1215-12

WHEREAS, on December 10, 2021, the Governor of the State of New York announced new requirements concerning entry to public places other than private residences; and

WHEREAS, such requirements mandate that municipalities either require proof of vaccination as a condition of entry to municipal facilities or require all persons to wear face coverings consistent with guidance from the Center for Disease Control (“CDC”); and

WHEREAS, the Village of Tuxedo Park Board has reviewed the guidance issued by the Governor and the Commissioner of the Department of Health.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

- Section 2. The Village of Tuxedo Park Board hereby determines that effective December 13, 2021, all persons 2 or older whom are medically able to tolerate a face covering/mask must wear such face covering/mask at all times while inside any Village facility. Municipal staff/employees shall not be required to wear a mask/face covering when actively engaged in eating or drinking in a manner permissible by any applicable policies.
- Section 3. The Village Mayor may take any and all actions necessary to carry out the provisions of this Resolution.
- Section 4. The Mayor is hereby authorized to participate in any written impact negotiation request submitted by an employee union in response to the implementation of this Resolution.
- Section 5. The Mayor is authorized to provide any reasonable accommodation to any person with a medical condition or religious restriction that may be required under law in carrying out the provisions of this Resolution.
- Section 6. Regardless of the date of actual adoption of this Resolution, the Resolution shall be deemed effective December 13, 2021 any actions taken by any official in implementing the provisions of this Resolution prior to the date of adoption are hereby ratified and confirmed as necessary actions that were required in order to comply with directives from the Governor of the State of New York and Commissioner of Heath of the State of New York in carrying out emergency measures.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

Vote of the Board:

Deputy Mayor Tinka Shaw – Abstain

Trustee Brooke – Aye

Trustee Christopher Kasker – Aye

Trustee Scherer – Aye

Mayor David C. McFadden – Did not vote

Purchase of Pressure Relief Valve
Resolution 1215-13

Be it resolved that the Board of Trustees approve the purchase of a 4” pressure relief valve for the Town of Tuxedo water distribution system in the amount of \$3,498.00 from budget line 8340.20F (Trans & Distribution).

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

Vehicle Registration Fees

Resolution 1215-14

Be it resolved that the Board of Trustees approve the contractor vehicle registration at \$29.95 for multiple vehicles with commercial plates. Contractor vehicles without commercial plates are \$29.95 each additional vehicle.

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 – No
Trustee Scherer – Aye
Mayor David C. McFadden – Did not vote

Wee Wah Beach Club Membership

Resolution 1215-15

Be it resolved that the Board of Trustees approve the same 2021 Wee Wah Beach Club membership and guest pass fees for the 2022 season and approve accepting donations for the park renovation.

Motion made by Mayor McFadden, seconded by Deputy Mayor Shaw.

Wee Wah Park and Bathing Beach

Resolution 1215-16

Be it resolved that the Board of Trustees name the parcel of land owned by the Village of Tuxedo Park on the Wee Wah Lake which contains a park, bathing beach, and the Department of Public Works building, as the Wee Wah Park and Bathing Beach.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

Vote of the Board:

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

WWBC Membership Eligibility
Resolution 1215-17

Be it resolved that the Board of Trustees approve the following memberships. The following summarizes the Committee's recommendations about membership eligibility which is no change to the 2020 summer season.

1. Village of Tuxedo Park Members
 - a. Village home owners
 - b. Village property owners
 - c. Village renters
 - d. Active employees of the Village of Tuxedo Park
 - e. Membership fees for summer season from Memorial Day to Labor Day from 1pm through 8pm, with restrictions; open access the rest of the year, no swimming.
 - f.
2. Hamlet Members
 - a. Grandfathered membership of the 2019 pre-Covid vote by the BOT from the last season meeting
 - b. Membership fees for summer season are for Memorial Day through Labor Day, 1pm to 8pm; no access the rest of the year
 - c. The following is the Committee's recommended membership eligibility change from the 2020 summer season:
 - i. New eligibility program for Hamlet TPA ancestor members
 - ii. Persons who can establish that the TPA employed their direct ancestors are welcome to join for the 2022 season even if they were not members since 2019

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

Application for Town Building Permit
Resolution 1215-18

Be it resolved that the Board of Trustees ratify the approval of three garden medians, two located on Village property in front of and behind the new booth, and one located on Town property which requires a building permit from the Town.

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

Audit of Claims
Resolution 1215-19

Be it resolved that the Board of Trustees authorize the Mayor to sign the audit of claims comprised of the General Fund - \$226,791.33, Water Fund - \$19,793.33 and Professional Fees - \$3,154.50.

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 Transfer
Resolution 1215-20

Be it resolved that the Board of Trustees authorize the Village Treasurer to make the following transfers:

General Fund:

1. Buildings-Other (1620.22) – \$2,356.15 to Police-2 Car Payments (3120.2)
2. Cleaning Supplies (3121.12) – \$500.00 to Vehicle Parts & Maintenance (3121.01)
3. Uniform Cleaning (3121.14) – \$565.86 to TP Tags (3121.13)

4. Transfer \$10,000 from Contingency (1990.4); Transfer \$15,000 from DPW Building Repair (1620.21); Transfer \$ 2,752 from Buildings-Other (1620.22); for a total of \$27,752 to NYS Retirement (9010.8)
5. Street Maint-Cont'l (5110.4) – \$539.37 to Disability (9055.8)

Water Fund:

Contingency (1990.4) - \$1,914.29 to Debit service/Interest (9730.7)

And to modify Resolution 0818-07 to authorize transfer of \$1,500 from Central garage-equipment (1640.2) to Tree Advisory Board (8040.4).

And finally to modify Resolution 0921-10 to authorize increasing budget line 3000 (Unappropriated Surplus) by \$52,000 and increasing budget line 3120.22 (Police-Equipment) by \$52,000.

Motion made by Mayor McFadden, seconded by Trustee Scherer.

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 1215-21

Be it resolved that the Board of Trustees temporarily exit the public meeting and enter Executive Session at 9:10 p.m. to discuss employment matters of three specific people, the PBA collective bargaining agreement, legal matters and a water accounts collection.

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

Exit Executive Session
Resolution 1215-22

Be it resolved that the Board of Trustees exit Executive Session at 9:22 p.m. and re-enter the public meeting

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

No resolutions were made during Executive Session.

Trustee Brooke left at 9:23 p.m.

Adjournment
Resolution 1215-23

Be it resolved to adjourn the public meeting at 9:24 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

Respectfully submitted,



Elizabeth A. Doherty
Village Clerk-Treasurer