

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
PUBLIC HEARING AND
REGULAR MEETING
SEPTEMBER 21, 2022
MINUTES**

Present: Mayor David McFadden
Trustee Paul Brooke
Trustee Christopher Kasker
Trustee Joshua Scherer (via Zoom)

Absent: Deputy Mayor Anna (Tinka) Shaw

Clerk: Elizabeth A. Doherty

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

Attendees: Building and Land Use Officer John Ledwith; Police Chief David Conklin;
DPW Superintendent Jeff Voss; Jim Hays (Climate Committee), two people
at Village Hall and about 17 members of the public via Zoom

Mayor McFadden called the Public Hearing to order at 7:01 p.m. Roll call was taken.

**Open the Public Hearing on Draft Local Law #6 of 2022
Resolution 0921-01**

Be it resolved that the Board of Trustees open the Public Hearing to discuss Draft Local Law #6 of 2022 – Streets and Sidewalks (Utility Poles).

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Mayor McFadden asked if anyone from the public had any comments. No one responded.

Trustee Kasker said that in the local law there is a requirement to obtain a permit for road closures lasting 24 hours. Trustee Kasker requested that we have a procedure in place to make

sure that emergency services are made aware of the road closure as well as the Fire Department and the Ambulance Corp.; or, that that these groups are permitted access to closed roads if there is an emergency. Building and Land Use Officer Ledwith said that the main thrust of this section was to allow us to possibly penalize utility companies if they don't do work, such as removing telephone poles or hardware, in a timely fashion.

Mayor McFadden suggested striking all of Section 83-4, "Time restrictions on road work."

Mayor McFadden conferred with Attorney Nugent about these changes. Attorney Nugent suggested that the local law be redrafted and that the public hearing be continued after this is done.

Continuation of Public Hearing on Draft Local Law #6 of 2022
Resolution 0921-02

Be it resolved that the Board of Trustees continue the Public Hearing on Draft Local Law #6 of 2022 – Streets and Sidewalks (Utility Poles) on October 19, 2022 at 7:00 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

The public hearing was adjourned at 7:05 p.m.

Mayor McFadden called the regular monthly meeting of the Board of Trustees to order at 7:05 p.m. and led the Pledge of Allegiance. Roll call was taken.

Consent Agenda
Resolution 0921-03

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 – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye

Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

ITEMS ON THE CONSENT AGENDA

- a. Add All Written Reports to the Permanent Record
- b. Approve Minutes from Regular Meeting on August 17 (with a minor correction) and Special Meeting on September 8
- c. Authorize Clerk Doherty to Dispose of Old Overhead Projector, Printer and Printer Tray, and Two Envelope Sealers That Are No Longer Used
- d. Authorize Fish Stocking of Wee Wah Lake
- e. Resignation of Part-Time Police Officer Robert Mainolfi
- f. Final Approval For Tuxedo Club Regatta
- g. Authorize Mayor to Sign and Agree to O&R Property Rental Agreement with Conditions (Legal Review)

Signage on Clubhouse Road Resolution 0921-04

Be it resolved to approve new signage on Clubhouse Road.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Mapping Proposal Resolution 0921-05

Resolved to authorize mapping proposal for engineering services storm system GPS location and GIS update support.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Planning Board Appointment
Resolution 0921-06

Be it resolved that the Board of Trustees authorize Mayor McFadden and Planning Board Chair JoAnn Hanson to appoint Bronwyn Roantree to the Planning Board to a vacant term to be determined.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Delanner Application
Resolution 0921-07

Be it resolved that the Board of Trustees approve the Delanner application for a new driveway with conditions set by the BZA, PB or BAR approval as determined and communicated to the Board of Trustees by Building and Land Use Officer Ledwith.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Public Hearing
Resolution 0921-08

Be it resolved that the Board of Trustees schedule a Public Hearing on Draft Local Law #7, a local law revising the lake laws related to dock size, to give the sitting Trustees the ability to make revisions to a dock size by resolution (language to be determined and submitted by the Attorney) on October 19, 2022 at 7:00 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Halloween
Resolution 0921-09

Be it resolved that the Village of Tuxedo Park formally observe Halloween on Saturday, October 29, 2022 at 5:00 p.m.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Sung/Schmidtberger Dock Application
Resolution 0921-10

Be it resolved to approve the Sung/Schmidtberger dock application.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Bid Award – Lodge Roof
Resolution 0921-11

Resolved to award the bid in the amount of \$83,950 for the new cedar roof and copper gutters/leaders for the Lodge to Gonzalez Home Professionals.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Bid Award – Air Conditioning
Resolution 0921-12

Resolved to award the bid in the amount of \$14,100 for the installation of air conditioning at the Lodge to Northern Plumbing & Heating with the caveat that they will not do the primary electric work. Additional estimates will be needed for an electrician to do that work.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Code Enforcement Officer Ledwith explained that \$180,000 that had been budgeted for paving had not been used. Some of this money will be transferred to the Police budget to pay for the expenses in Resolution 0921-11 and Resolution 0921-12.

Pipe Replacement on Mountain Road
Resolution 092-13

Resolved to approve Option 2 of the Weston & Sampson proposal to replace an asbestos pipe on Mountain Road that keeps bursting.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Post-Issuance Compliance Policies
Resolution 0921-14

Be it resolved to approve certain post-issuance compliance policies.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Additional Garage Unit 9/10
Resolution 0921-15

Be it resolved to approve adding one additional garage unit “as is” to the Village rental inventory, the rate to be determined by Clerk Doherty and Code Enforcement Officer Ledwith.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Code Enforcement Officer Ledwith explained that the unit is larger than the other units that are rented for \$200 a month and when there is heavy rain puddles appear at the far end of the unit.

Plein Air Painting
Resolution 0921-16

Resolved to authorize artists to paint inside the Park for a special event with conditions: Site approval (as determined by Code Enforcement Officer Ledwith) and homeowner approval; and artists will have badges identifying themselves; also, a list of the visiting artists and schedule will be supplied to the Police.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Enter Executive Session
Resolution 0921-17

Be it resolved that the Board of Trustees move from the public meeting into Executive Session at 8:27 p.m. to discuss legal matters and a particular Village employee.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Exit Executive Session
Resolution 0921-18

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

Deputy Mayor Tinka Shaw – Absent
Trustee Brooke – Aye
Trustee Christopher Kasker – Aye
Trustee Scherer – Could not vote
Mayor David C. McFadden – Aye

Adjournment
Resolution 0921-19

Be it resolved to adjourn the regular meeting at 8:58 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