

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 15, 2023  
MINUTES**

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

Clerk: Elizabeth A. Doherty

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

Attendees: Building and Land Use Officer John Ledwith, Police Chief David Conklin, two members of the public were in attendance at Village Hall and one member of the public via Zoom

Mayor McFadden called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Roll call was taken.

Jacob Goldstein was sworn in as a Part-Time Police Officer.

**Open the Public Hearing on Draft Local Law #1 of 2023  
Resolution 0315-01**

Be it resolved that the Board of Trustees continue the Public Hearing to discuss Draft Local Law #1 of 2023 – Revising the Lake Laws Related to Dock Size.

Motion made by Mayor McFadden, seconded by Trustee 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 read some points compiled by the attorney that will be incorporated into the local law:

1. Boats can be up to 25'
2. Docks can be up to 1' longer than the size of the boat
3. There will be no change in the approval process with the BAR or BZA

Trustee Brooke added that virtually every dock on the lake is a permanent dock. The only removable dock is the Tuxedo Club dock because it has a lot of slips. The law reads that you can only put in temporary docks. Trustee Brooke suggested that we only allow permanent docks because the quality of workmanship of a permanent dock is better than that of a temporary dock.

No other comments were received.

**Continue the Public Hearing on Draft Local Law #1 of 2023**  
**Resolution 0315-02**

Be it resolved that the Board of Trustees continue the Public Hearing to discuss Draft Local Law #1 of 2023 – Revising the Lake Laws Related to Dock Size to April 19, 2023 at 7:00 p.m.

Motion made by Mayor McFadden, seconded by Trustee 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

**Open the Public Hearing on Draft Local Law #2 of 2023**  
**Resolution 0315-03**

Be it resolved that the Board of Trustees open the Public Hearing to discuss Draft Local Law #2 of 2023 – A Law Granting Property Tax Exemptions for Firefighters and Ambulance Volunteers.

Motion made by Mayor McFadden, seconded by Trustee 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

No comments were received from the public or made by any of the Board members.

**Close the Public Hearing on Draft Local Law #2 of 2023**  
**Resolution 0315-04**

Be it resolved that the Board of Trustees close the Public Hearing to discuss Draft Local Law #2 of 2023 – A Law Granting Property Tax Exemptions for Firefighters and Ambulance Volunteers.

Motion made by Mayor McFadden, seconded by Trustee 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

**Adoption of Local Law #1 of 2023**  
**Resolution 0315-05**

Be it resolved that the Board of Trustees adopt Draft Local Law #2 of 2023 – A Law Granting Property Tax Exemptions for Firefighters and Ambulance Volunteers (now Local Law #1 of 2023).

Motion made by Mayor McFadden, seconded by Trustee Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye  
Trustee Brooke – Aye  
Trustee Christopher Kasker – Abstain  
Trustee Scherer – Aye  
Mayor David C. McFadden – Aye

**Consent Agenda**  
**Resolution 0315-06**

Be it resolved the Board of Trustees accept the items on the consent agenda.

Motion made by Mayor McFadden, seconded by Trustee 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

### **ITEMS ON THE CONSENT AGENDA**

- a. Add All Written Reports to the Permanent Record
- b. Approve Minutes from February 15 and February 21 (Board of Assessment Review)
- c. Approve Hiring Jacob Goldstein as Part-time Police Officer
- d. Allow Police Department to Remove Old/Non-Working Equipment from Inventory
- e. Grant Approval to The Tuxedo Club to Host Fireworks Display on Sunday, July 2, 2023, with a rain date of Saturday, September 2, 2023
- f. Cancel January 18, 2023, Resolution Accepting Three-Year Contract Proposal Recommended by Climate Smart Committee
- g. Schedule Meeting of the Board of Assessors to Finalize the Tax Roll on Wednesday, March 22, At 10:30

### **Well Water Residents to Install Water Meters Resolution 0315-07**

Be it resolved that the Board of Trustees require residents with wells to install a water meter for the purposes of determining accurate utility rents at Village expense under reasonable circumstances.

Motion made by Mayor McFadden, seconded by Trustee 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

### **BAR Meeting Schedule Resolution 0315-08**

Be it resolved that the Board of Trustees approve a change to the Board of Architectural Review change meeting schedule from the first and third Thursdays at 7:00 p.m. to the first and third Mondays, as needed at 5:30 p.m. at Village Hall.

Motion made by Mayor McFadden, seconded by Trustee 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 0315-09**

Be it resolved that the Board of Trustees approve the General Fund claims in the amount of \$128,657.27, Water Fund claims in the amount of \$42,282.79 and Sewer Fund claims in the amount of \$7,108.75.

Motion made by Mayor McFadden, seconded by Trustee 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

**Enter Executive Session**  
**Resolution 0315-10**

Resolved to exit the Regular Meeting and enter into Executive Session for the purpose of discussing to discuss legal matters, contract, and employee matters at 7:15 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

**Exit Executive Session**  
**Resolution 0315-11**

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 7:22 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

**Resolution Authorizing  
Settlement of Tax Certiorari Litigation  
Resolution 0315-12**

WHEREAS the Village Board of Tuxedo Park, New York (“Village Board”) in the year 2022 made assessments of real property; 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 as recommended and all professionals employed by the Village recommend that it is in the best interest for the Village to resolve the litigation entitled Said and Karen Haider v. The Assessor of the Village of Tuxedo Park, The Board of Assessment Review of the Village of Tuxedo Park and the Village of Tuxedo Park, under Index No.: EF002496/2022 for the assessment year 2022 (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. The settlement of the litigation is hereby approved and 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 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 Paul Brooke	[ X ]	[ ]	[ ]	[ ]
Trustee Joshua Scherer	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**Budget Transfers**  
**Resolution 0315-13**

Be it resolved that the Board of Trustees approve Budget Transfers below that were posted on the website contingent upon the review of Budget Director/Deputy Mayor Shaw.

Motion made by Mayor McFadden, seconded by Trustee Shaw.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye  
Trustee Brooke – Aye  
Trustee Christopher Kasker – Aye  
Trustee Scherer – Aye  
Mayor David C. McFadden – Aye

**General Fund**  
**Budget Transfers**

<b>From</b>		<b>To</b>	
1910.4 - Insurance Contractual	\$30.49	1450.4 - Elections Contractual	\$30.49
1910.4 - Insurance Contractual	\$589.13	7104.4 - Recreation-Cont.	\$589.13
8170.1 - Street Cleaning Pers	\$105,000.00	1930.4 - Judgements & Claims	\$105,000.00
8170.1 - Street Cleaning Pers	\$2,000.00	8170.4 - Street Cleaning Cont.	\$2,000.00

**Water Fund  
Budget Transfers**

<b>From</b>		<b>To</b>	
8330.41 - DOH Purification	\$11,000.00	1440.4 - Engineering	\$11,000.00
8320.21 - Fire Hydrants	\$5,000.00	8320.4 - Source of Supply Cont.	\$5,000.00
8330.41 - DOH Purification	\$5,800.00	8320.4 - Source of Supply Cont.	\$5,800.00
8320.2 - Source of Supply Equip	\$10,000.00	8320.4 - Source of Supply Cont.	\$10,000.00
1990.4 - Contingency	\$6,200.00	8340.4 - Trans & Distribution	\$6,200.00

**Adjournment  
Resolution 0315-14**

Be it resolved to adjourn the regular meeting at 7:26 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

Respectfully submitted,

*Elizabeth A. Doherty*

Elizabeth A. Doherty  
Village Clerk-Treasurer