

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 24, 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: Brian Nugent, Esq. (Feerick Nugent MacCartney, PLLC) via Zoom.

Attendees: Building and Land Use Officer John Ledwith, two members of the public were in attendance at Village Hall and Town Councilmember Michele Lindsay attended via Zoom

Mayor McFadden called the meeting to order at 11:04 am. Roll call was taken.

The purpose of this meeting was to discuss NYCLASS investments. Mayor McFadden asked if anyone from the public had any comments. Allen Barnett expressed skepticism of NYCLASS. He said that if you compare the federal funds rate to NYCLASS, the federal funds rate is higher, even at the most conservative rate. He added that it is risk-free because 100% guaranteed by the United State government. With NYCLASS there is some degree of risk.

Claudio Guazzoni de Zanett addressed the Board. He said that NYCLASS is not as safe as the Board thinks it is. He recommended investing with JPMorgan Chase. He said they are too big to fail and they have a similar yield. He also said they have a four day average maturity versus a 26 day average maturity for NYCLASS.

Michele Lindsay, Town Councilmember, said that commercial paper is not available to municipalities as an investment tool. She questioned whether commercial paper is included in some of these other investments.

Trustee Brooke suggested that we should study each option over the next few months. He also said there is a lack of FDIC insurance with NYCLASS. This is a concern. He also said that if the balance in the bank account goes below a certain amount fees will be assessed on the bank accounts. This is something to consider. Trustee Brooke pointed out the JPMorgan Chase charges a higher management fee than NYCLASS. Trustee Brooke concluded by saying we should commit to a higher yield entity at the end of June (after the Federal government has raised the debt ceiling).

He also suggested that we should look at the investments every quarter to see if there is a better investment alternative than NYCLASS 1 which is no cost in, no cost out. He felt that all money should be put in a single investment.

Trustee Kasker said that we are required to have an investment policy and it should be renewed every year. He said that we should be having a debate about policy first, and then determine what tact we should take to institute that policy of investing. The big concern is the risk of pulling out of a bank that is FDIC insured. Trustee Kasker suggested that we should not be putting all of our money into NYCLASS, we should keep it in multiple accounts.

Trustee Scherer said that NYCLASS presents a much better alternative of investing our funds than what we are currently doing. He expressed interest in the ideas put forward by Mr. Barnett and Mr. Guazzoni de Zanett and he said he would like to know more about them. But in the meantime we should invest all of our money in NYCLASS after the Federal government has made a budget deficit agreement. This would remove Federal government risk which Trustee Scherer felt was minimal.

Deputy Mayor Shaw agreed with Trustees Brooke and Scherer.

Mayor McFadden said that we should investigate Trustee Kasker's comment about the law on having an investment policy and we need to ascertain if there is a specific resolution that is required. He would prefer to invest in NYCLASS pending the result of the Federal debt ceiling discussion. At that time we can make sure that we have all our legal ducks in a row and determine the amounts that we would invest.

**Recess**  
**Resolution 0524-01**

Be it resolved that the Board of Trustees have a three minute recess before continuing the 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

Attorney Brian Nugent, Esq. joined the meeting by phone at 12:07 p.m.

**Executive Session**  
**Resolution 0524-02**

Be it resolved that the Board of Trustees enter Executive Session for the purpose of discussing a matter that is attorney-client privileged at 12:08 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

The Board re-entered the Public Meeting at 12:28 p.m.

**Investing in NYCLASS**  
**Resolution 0524-03**

On a motion by Trustee Scherer, seconded by Deputy Mayor Shaw, it was resolved for the Village of Tuxedo Park to invest all permissible funds (subject to legal diligence by the Village attorney and subject to a resolution of the Federal deficit spending cap that are ongoing) in the NYCLASS investment funds.

Vote of the Board:

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

**Agreement with NYCLASS**  
**Resolution 0524-04**

Be it resolved that the Board of Trustees allow the Mayor to execute an agreement with NYCLASS to invest all permissible Village funds pursuant to Resolution 0524-03.

Motion made by Trustee Scherer, 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 – Aye

**Insurance Renewal – Crime Policy**  
**Resolution 0524-05**

Be it resolved that the Board of Trustees authorize the renewal of the Travelers Crime Policy in the amount of \$1,444 to be charged to budget code 1910.4 (Insurance Contractual) .

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

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

**Resolution Confirming Authorization of Legal Counsel**  
**to Represent the Village of Tuxedo Park in Justice Court Matter**  
**Resolution 0524-06**

WHEREAS, the Village of Tuxedo Park has previously retained and authorized the law firm of Feerick Nugent MacCartney PLLC (“the Firm”) to represent the Village in legal matters, including justice court matters in the Village of Tuxedo Park Justice Court; and

WHEREAS, the Village Board has been informed that a Justice Court defendant, Genesis Real Estate Partner I, LLC (“Genesis”) has questioned the authorization of the Firm to appear and represent the Village in the prosecution of Genesis in the Justice Court; and

WHEREAS, the Board is informed that the Firm has submitted prior resolutions evidencing the Firm’s authorization to represent the Village in Justice Court and Genesis contests the timing of such authorizations.

NOW, THEREFORE, be it is resolved as follows:

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

Section 2.      The Village Board hereby confirms, ratifies and authorizes, in all respects, the law firm of Feerick Nugent MacCartney PLLC prosecuting justice court matters in the Village Justice Court, including the matter of the People v. Genesis Real Estate Partner I, LLC, and to the extent that there is any question

of the timing of such authorization in the People v. Genesis Real Estate Partner I, LLC, the Village Board authorizes, confirms and ratifies that such representation by Feerick Nugent MacCartney PLLC is effective, *nunc pro tunc*, to the earliest date that Feerick Nugent MacCartney PLLC appeared or otherwise took any actions related to the prosecution of Genesis Real Estate Partner I, LLC in the Village Justice Court.

Section 3. Such authorization includes taking any and all actions on behalf of the Village of Tuxedo Park related to the prosecution of Justice Court matters, including the matter of People v. Genesis Real Estate Partner I, LLC.

Section 4. The Mayor or any other officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution, including transmission of this Resolution to the Justice Court.

Section 5. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution made by Mayor McFadden and seconded by Deputy Mayor Shaw was duly put to a vote on roll call, 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.

### **Road Paving Resolution 0524-07**

Be it resolved that the Board of Trustees approve road repaving and also road reclamation of 1.5 inches on Tuxedo Road, sections one and two of Serpentine Road and section two of West Lake Road, not to exceed \$200,000.

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

**Enter Executive Session**  
**Resolution 0524-08**

Be it resolved that the Board of Trustees enter Executive Session at 12:46 p.m. for the purpose of discussing legal matters and salaries.

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

The meeting was adjourned at 1:07 p.m.

Respectfully submitted,



Elizabeth A. Doherty  
Village Clerk-Treasurer