

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
MEETING MINUTES
JULY 21, 2021
7:00 P.M.
MINUTES**

Present: Mayor David McFadden
Deputy Mayor 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: Police Chief Conklin, Building and Land Use Officer John Ledwith,
Department of Public Works Supervisor Jeff Voss, Meg Vaught, Jack and
Audrey Perry and Bonny Takeuchi (via phone)

Trustee Scherer logged in remotely using Zoom from the business lounge at Hotel Casa del Mar, 1910 Ocean Way, Santa Monica, CA.

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

Resolution 0721-01

Be it resolved that the Board of Trustees accept the Reports presented this evening for the permanent record.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

Vote of the Board

Trustee Paul Brook – Aye
Trustee Chris Kasker – Aye
Deputy Mayor Tinka Shaw – Aye
Trustee Joshua Scherer – Aye
Mayor David McFadden – Did not vote

Resolution 0721-02

Be it resolved that the Board of Trustees accept the Minutes presented this evening for the permanent record.

Motion made by Mayor McFadden, seconded by Trustee Kasker.

Vote of the Board

Trustee Paul Brook – Abstain

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Abstain

Mayor David McFadden – Aye

Resolution 0721-03**Resolution Authorizing the Mayor to Sign Solitude ProcettaCOR Agreement**

Be it resolved that the Board of Trustees authorize the Mayor to sign an agreement with Solitude Lakes Management for the herbicidal treatment of Tuxedo Lake, Pond No: 3, and the Wee Wah Lake with ProcettaCOR under the advisement of A.J. Reyes, Project Manager, N.E.A.R., and to make the first payment to the agreement.

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

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-04**Resolution Authorizing the Mayor Retroactively to Make Deposit on Special Permit**

Be it resolved that the Board of Trustees approve retroactively the down payment to SOLitude Lakes Management to apply for the special permit from the DEC to apply ProcettaCOR in Tuxedo Lake, Pond No: 3, and the Wee Wah Lake.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-05

Draft Local Law No: 1 of 2021 – Use of Village-Owned Property

Be it resolved that the Board of Trustees is scheduling a Public Hearing on Wednesday, August 18th at 6:45 P.M. for the purpose of hearing comments on Draft Local Law No: 1 of 2021.

Motion made by Mayor McFadden, seconded by Trustee Shaw.

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-06

Resolution Amending Booth Budget

WHEREAS, the Village Board previously approved various Resolutions regarding the reconstruction of the Booth at the Main Gate to the Village; and

WHEREAS, the Village Board has approved a Booth Budget with a cap of \$135,362, and;

WHEREAS, the Village Mayor and Building Inspector, as designated project managers, seek to increase the Booth Budget to \$135,000, in order to counteract the increased costs associated with labor, outdated bids, inflation in prices associated with construction materials, and vendor costs;

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 Village Board hereby authorizes and an amendment to the Booth Budget that was previously approved.

Section 3. The Village Board hereby approves the increase in the Booth Budget to \$135,000 for the reasons stated herein.

Section 4. Any modifications to line items within the Booth Budget shall be communicated to the Village Board of Trustees by the Mayor and copies of any such updated Budget shall be provided to the Board Members.

Section 5. This Resolution shall be effective immediately.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Audit of Claims

Bills in the amount of \$145,904.83 in the General Fund, claim numbers 49678 - 49784, \$13,258.6 in the Water Fund, claim numbers 10497 - 10458, and \$13,419.15 in Professional Fees, claim numbers were audited and ordered paid.

Balance Transfers

No budget transfers were made.

Resolution 0721-07

Resolution to Enter into Executive Session

Be it resolved that the Board of Trustees temporarily exit the Public Meeting to enter into EXECUTIVE SESSION at 7:27 p.m. for the purpose of discussing the following:

Employment of a particular person

PERB case

DPW Bargaining Agreement

Public Safety

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

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-08

Resolution to Leave Executive Session

Be it resolved that the Board of Trustees leave EXECUTIVE SESSION at 8:06 p.m. for the purpose of reentering the Public Meeting:

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

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-09

**Resolution Authorizing Mayor to Execute Employee Separation
and Global Settlement Agreement**

WHEREAS, a Village employee identified to the Village Board in Executive Session desires to separate from employment with the Village; and

WHEREAS, there are various administrative and legal matters pending with the Village involving such employee; and

WHEREAS, the employee and the Village desire to resolve all pending matters and to accept a resignation of such employee.

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 Mayor is hereby authorized to execute a Separation and Settlement Agreement in a final form approved by Village Legal Counsel containing, in substance, the terms presented to the Village Board by legal counsel.

Section 3. The Mayor and any 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.

Section 4. This Resolution shall be effective immediately.

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Abstain

Mayor David McFadden – Did not vote

Resolution 0721-10

Resolution Authorizing Special Counsel to File With the State Of New York Public Employment Relations Board an Exception to Decision Rendered

WHEREAS, Special Legal Counsel, Feerick Nugent MacCartney PLLC, represents the Village of Tuxedo Park (“Village”) in legal matters which were filed against the Village by the Village of Tuxedo Park Police Benevolent Association with the New York State Public Employer Relations Board (“PERB”) in 2016; and

WHEREAS, the Village’s Special Legal Counsel received a Decision from PERB dated July 9, 2021 concerning the matter entitled In the Matter of Village of Tuxedo Park Police Benevolent Association v. Village of Tuxedo Park, PERB Case Nos. U-35070 and U-35109; and

WHEREAS, the major issues were resolved in favor of the Village, with a minor issue decided against the Village; and

WHEREAS, the Village authorizes Special Counsel to file Exceptions to that portion of the Decision that was adverse to the Village with PERB.

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 Village Board hereby authorizes Special Counsel, Feerick Nugent MacCartney, PLLC, to file an Exception with PERB in relation to the case entitled In the

Matter of Village of Tuxedo Park Police Benevolent Association v. Village of Tuxedo Park, PERB Case Nos. U-35070 and U-35109.

Section 3. Special Legal Counsel shall be compensated for all services in accordance with the agreement between the Village and Special Legal Counsel.

Section 4. This Resolution shall be effective immediately.

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

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-11

On a motion by Mayor McFadden, seconded by Trustee Shaw: Be it resolved the Board of Trustees approve the following requests by the utility clerk Deputy Clerk Denise Spalthoff as follows:

1. Water Account #181 was overcharged \$2,279.35 on the Q2 water bill. The incorrect meter reading was reportedly causing the customer to be charged for 163,800 gallons of water use. The utility clerk is therefore requesting to adjust Account #181 in the amount of \$2,279.35.
2. Water Account #134 should be adjusted in the amount of \$133.73 because the water meter faulted causing the customer to be overcharged on Q2 bill.

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

Vote of the Board

Trustee Paul Brook – Aye

Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Resolution 0721-12

On a motion by Mayor McFadden, seconded by Trustee Shaw, it was: Resolved to adjourn the meeting at 8:09 p.m.

Vote of the Board

Trustee Paul Brook – Aye

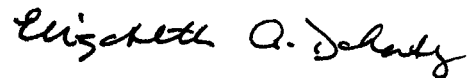
Trustee Chris Kasker – Aye

Deputy Mayor Tinka Shaw – Aye

Trustee Joshua Scherer – Aye

Mayor David McFadden – Did not vote

Respectfully submitted,

A handwritten signature in black ink, reading "Elizabeth A. Doherty". The signature is written in a cursive style with a large, stylized 'E' and 'D'.

Elizabeth A. Doherty
Village Clerk-Treasurer