

## **QUESTION 4**

Dear Neighbors,

I present my response in five parts: 1) Letter, 2) Summary, 3) Exhibit A - A Memo on the use of Referendums from the Village Attorney, 4) Exhibit B - Email from the New York State Conference of Mayors (NYCOM), and 5) Exhibit C – Download the NYCOM 2022 Survey of Salaries.

Please bear with me as I provide a comprehensive response to address Marc's concerns and shed light on approving the salary in the past and future. You know me, I am committed to providing detailed explanations and leaving no stone unturned.

### **PART 1: LETTER**

Question 4 is the concluding question from TPFYI this election. I want to thank them for providing Marc and me a platform to share our perspectives with the residents, particularly those who recently joined our community. Through this process, I hope we have all gained a deeper understanding of how our government functions and the importance of civic engagement.

I also want to extend my sincere best wishes to Marc as we approach Tuesday, the election day. I genuinely appreciate his willingness to step forward and serve our village. It takes courage and dedication to put oneself forward as a candidate, and I respect anyone who embraces this responsibility.

Together, Marc and I have played our roles in this election, presenting our ideas and aspirations for the betterment of our community. Now, it is your turn to contribute by exercising your right to vote next Tuesday. Your vote will demonstrate that our efforts have not been in vain and will shape our village's future. Each vote matters, and I urge you to participate, making your voice heard.

While Marc believes that the salary was approved without sufficient public input and questions the process, I respectfully hold a distinct perspective. It is crucial to address Marc's concerns and clearly explain my position.

Firstly, I acknowledge Marc's emphasis on public input and transparency in decision-making. Public participation is crucial in matters that affect the community, and I value the importance of open dialogue and engagement. However, when determining the mayor's salary, it is essential to consider various factors and balance fairness and practicality. For example, a village cannot just put any topic to a referendum. There must be a specific statutory authorization; there is no statutory authorization to put a budget proposal to a referendum.

Elected officials, including the mayor and four trustees, should be financially compensated for their dedicated service. Successfully running a municipality requires a significant amount of time and hard work, and providing financial compensation is an appropriate and necessary step toward ensuring the effectiveness and sustainability of our local government.

The decision regarding the mayor's salary is not made in isolation or without careful consideration. It involves a comprehensive evaluation of the responsibilities, time commitment, and expectations associated with the role. It also considers the compensation practices of neighboring municipalities and the broader context of public service.

While I respect Marc's viewpoint, the mayor's salary was established through thoughtful deliberation by our elected officials, whom we entrust with making informed decisions on behalf of the community. This process ensures that the mayor's compensation reflects the demands and responsibilities of the position while considering the overall financial health of the municipality.

Compensating elected officials acknowledges their commitment and sacrifices to serve the community. By offering financial support, we can attract a diverse pool of candidates who may otherwise be unable to dedicate their time due to financial constraints. This ensures that individuals from various backgrounds and experiences can participate in shaping the future of our village, bringing fresh perspectives and ideas to the table.

It is worth noting that compensating elected officials is already prevalent in the Town of Tuxedo, in many surrounding villages and towns in both Orange and Rockland Counties, and in most of the 534 villages in New York State. By aligning with these neighboring communities, we can ensure that our compensation practices are fair and consistent, attracting capable individuals who can effectively commit time and energy to govern the Village of Tuxedo Park.

In conclusion, I wholeheartedly support financial compensation to elected officials in the Village of Tuxedo Park. This practice acknowledges their hard work, promotes diversity in our government, and fosters transparency and accountability. By compensating our elected officials, we can build a solid and resolute team that will continue to work tirelessly for the betterment of our community.

Thank you for considering my viewpoint, and I encourage further discussion on this critical matter.

## **PART 2: SUMMARY**

Elected officials, including the mayor and four trustees, should be financially compensated for their dedicated service.

### **1. Leadership and Accountability:**

- The mayor is crucial in providing leadership and making important decisions for the village.
- It is essential for voters to critically evaluate the actions and behavior of candidates, as they often speak louder than campaign slogans.
- The position carries substantial responsibilities, including overseeing municipal operations, managing budgets, and representing the village in various capacities.
- A salary ensures that the mayor is fully dedicated to these responsibilities and is held accountable for their actions.

### **2. Full-Time Commitment:**

- Being a mayor is often a full-time commitment, requiring substantial time and effort to fulfill the duties effectively.
- The mayor is expected to be accessible to the community, attend numerous meetings, engage with residents, collaborate with other officials, and address issues promptly.
- A salary acknowledges the considerable time and effort required to fulfill these responsibilities.

### **3. Attracting and Retaining Qualified Candidates:**

- Offering compensation for the mayor's role helps attract a diverse pool of qualified candidates who can dedicate their time and expertise to public service.
- It encourages individuals from different professional backgrounds to consider running for mayor, bringing valuable skills and experience to the position.
- Compensation helps ensure the village attracts capable leaders willing to commit their time and energy to the community.

### **4. Incentive for Dedication and Performance:**

- A salary can incentivize the mayor to demonstrate dedication and deliver effective results for the village.
- It recognizes the importance of the mayor's work and encourages them to strive for excellence, knowing that the community values and appreciates their efforts.
- A strong working relationship with elected officials, employees, and residents is critical to successful leadership.

### **5. Equal Treatment:**

- Offering compensation for the mayor's role ensures parity and fairness with other positions within the village administration.
- Most municipalities compensate their mayors as a standard practice, aligning with the compensation structure for other public officials in similar capacities.
- Unlike Tuxedo Park, many villages employ village managers, executive assistants, and part-time mayors.

### **6. Reflecting the Value of the Position:**

- The mayor's role is vital in shaping the village's future, representing its interests, and ensuring the well-being of its residents.
- Providing a salary acknowledges the value and significance of the position and underscores the importance of solid leadership for the village's progress and success.

### **7. Compensation as a campaign issue:**

- Compensation for elected officials is a legitimate and necessary consideration and should not be a campaign issue.
- Focusing on whether a mayor receives a salary can unfairly cast aspersions on their character and imply greed or ulterior motives.

## **EXHIBIT A: Memo on the Use of Referendums from the Village Attorney**

6/14/2023

Mayor McFadden,

A **Permissive Referendum** (whether initiated by the Board or resident petition) would not be permitted on the issue of a mayor's salary. Permissive referendums can only be held when specifically permitted/required by statute and there is no basis for a permissive referendum in statute on the issue of a mayor salary increase.

A **Mandatory Referendum** could occur only if the Village Board sought to enact the proposed change in the mayor's salary by a local law. *See N.Y. Mun. Home Rule Law § 24*. The local law process would include a public hearing and then subsequently the matter would be placed as a proposition on the election ballot. However, the Village is not required to enact the change by local law, but proceeding by local law is the only way in which a referendum would have been required.

However, the Village enacted the salary increase via the budget process (which is permissible) and resolution of the Board in adopting the budget. There was a public hearing on the budget, so the same opportunity to comment and be heard was afforded as would be the case with local law. Regardless, the Village (unlike Town's) may also enact a change in salaries during the year by resolution under NYS Village Law, Article 5 and the Comptroller's office has issued at least one opinion confirming this.

I cannot speak to the relative costs - but in a mandatory referendum case - the Village would need to draft and introduce a local law to increase the salary, publish public hearing notice in the newspaper, hold the public hearing, and (if the law is enacted), the Village would then need to include the proposition language on the printed ballots at the Village general election. If approved, the Village would then file the local law with the secretary of state and implement the salary increase. Whatever the costs are, the local law/referendum process is certainly more expensive than enacting the increase through the budget process which requires no additional costs since the public hearing is being held anyway on the budget and the only other effort required is adding the salary to the budget documents.

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**EXHIBIT B: Email from the New York State Conference of Mayors (NYCOM)**

From: Barbara VanEpps [barbara@nycom.org](mailto:barbara@nycom.org)  
Sent: Thursday, June 15, 2023, 10:10 AM  
To: David McFadden <[dmcfadden@tuxedopark-ny.gov](mailto:dmcfadden@tuxedopark-ny.gov)>  
Cc: [jmancini@nycom.org](mailto:jmancini@nycom.org) <[jmancini@nycom.org](mailto:jmancini@nycom.org)>; [david@nycom.org](mailto:david@nycom.org) <[david@nycom.org](mailto:david@nycom.org)>  
Subject: Re: Compensation for Mayors

Mayor McFadden,

We typically only share our salary survey results (attached) with those that participate. Tuxedo Park did not participate but I simply ask that you fill out a hard copy of the survey (also attached) when you can, and we will add you to the results.

The mayor's salary is typically set as part of the budget process and does not require a local law or referendum. It is approved as part of the budget via resolution.

Please let me know if you have any additional questions.

Barbara Van Epps

**EXHIBIT C: Download the NYCOM 2022 Survey of Salaries**

**BONUS: Download a pdf of Mayor MACs Answer to Question 4**