

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 18, 2023
MINUTES**

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

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, and Jim Hays (Climate Smart Community Taskforce) at Village Hall and about 30 members of the public via Zoom

Deputy Mayor Shaw and Trustee Joshua Scherer participated remotely via Zoom from 5570 Cognac Drive, Whiskey Creek in Fort Myers, Florida and 11 Times Square, 36th Floor, New York, New York respectively.

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

**Consent Agenda
Resolution 0118-01**

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. Approve BOT Regular Meeting Minutes from December 21, 2022
- b. Add All Written Reports to the Permanent Record
- c. Approve Firewall Software (Cisco Meraki) for Three Years (Town of New Windsor) \$1,523.32
- d. Weston & Samson Annual Agreement Renewal
- e. Formal Request by the Mayor to Prepare the Police and DPW 2023-2024 Draft Budget
- f. Schedule Board of Assessors Meeting on January 26, 2023 at 6 p.m.
- g. Schedule Grievance Day on February 21, 2023 from 5 p.m. to 9 p.m.
- h. Approve NYSFOLA Membership \$175
- i. Authorize CSLAP Participation \$700
- j. Seek Proposal from Architect Barry Rice to monitor BAR Applicants upon Request of the Chairs or BOT, and to update the Design Guidelines

BAR Appointments
Resolution 0118-02

Be it resolved that the Board of Trustees make the following appointments to the Board of Architectural Review: Paola Tocci, as Chair, replacing Sheila Tralins, whose term expires on June 30, 2024; Molly Gonzales to complete the term of Josh Aaron, whose term expires on June 30, 2024; and Stefanie Rinza replacing Christopher Boshears, whose term will expire on June 30, 2027.

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

PB Appointments
Resolution 0118-03

Be it resolved that the Board of Trustees appoint Matthew Tinari to the Planning Board to complete the unfinished term of Portia Hinshaw. The term will expire on June 30, 2025.

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

Fourlane
Resolution 0118-04

Resolved that the Board of Trustees approve the Mayor to sign the QuickBooks agreement with Fourlane (see Attachment A).

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

Climate Smart Committee
Electricity Proposal
Resolution 0118-05

Resolved that the Board of Trustees approve Option 3, the proposal for the three-year contract with 100% renewable energy (see Attachment B).

Motion made by Mayor McFadden, seconded by Trustee Brooke.

Vote of the Board:

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

Enter Executive Session
Resolution 0118-06

Resolve to exit the Regular Meeting and enter into an Executive Session for the purpose of discussing an employee matter, water charges, and legal matters, at 8:04 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 0118-07

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 8:40 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 Resolution of
Pending Litigation and Issuance of
Certificate of Occupancy**
Resolution 0118-08

WHEREAS, the Village of Tuxedo Park (“Village”), the Building Inspector and the Village ZBA are parties to ongoing litigation entitled John King and Douglas Duchin v. Lindsay, et al., under Orange County Supreme Court Index Number 005221/2020 concerning a seasonal restriction on the structure at 47 Clubhouse Road (“Property”); and

WHEREAS, an appeal is also pending in the litigation in the Second Department, Appellate Division under Docket # 2021-02085 (collectively “Litigation”); and

WHEREAS, the Village desires to settle the pending Litigation and authorize the Building Inspector to issue a standard Certificate of Occupancy without a seasonal restriction for the Property; and

WHEREAS, the Board of Architectural Review (“BAR”) has communicated to the Village Board that the BAR has no objection to the issuance of an unrestricted Certificate of Occupancy for the Property.

NOW, THEREFORE, it is resolved as follows:

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

Section 2. The Mayor and any officer, employee or consultant as directed by the Mayor, is hereby authorized to execute any documents necessary to effectuate a discontinuance of the pending Litigation in a final form approved by Village Special Counsel, Feerick Nugent MacCartney, PLLC.

Section 3. Upon receipt of notice from Village Special Counsel that such Litigation has been satisfactorily discontinued, or upon the transfer of title to 47 Clubhouse Road to unrelated owners, the Building Inspector is hereby authorized to issue a Certificate of Occupancy for the Property without a seasonal restriction, provided that such Property is otherwise in conformance with all applicable laws and regulations required for the issuance of such Certificate of Occupancy.

Section 4. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution 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.

Adjournment
Resolution 0118-09

Be it resolved to adjourn the regular meeting at 8:43 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