

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
PUBLIC HEARING AND  
REGULAR MEETING  
JUNE 15, 2022  
MINUTES**

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

Absent: Trustee Paul Brooke

Clerk: Elizabeth A. Doherty

Village Attorney: Brian Nugent, Esq. (Feerick Nugent MacCartney, PLLC) on site and Robert Zitt, Esq. (Feerick Nugent MacCartney, PLLC) via Zoom

Attendees: Building and Land Use Officer John Ledwith; Police Chief David Conklin; DPW Superintendent Jeff Voss; and about five members of the public via Zoom

Mayor McFadden called the Public Hearing to order at 6:50 p.m. Roll call was taken.

**Open the Public Hearing on Draft Local Law #4 of 2022  
Resolution 0615-01**

Be it resolved the Board of Trustees open the Public Hearing to discuss draft Local Law #4 of 2022: A Local Law on the Use of Videoconferencing for Municipal Meetings.

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

Vote of the Board:

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

Mayor McFadden asked if anybody from the public wanted to comment. No one was in attendance.

Mayor McFadden invited Attorney Nugent to explain what this law was about. He began by saying this is a law that follows New York State legislation that made changes to the Open Meetings Law as far as videoconferencing. Prior to this State law being adopted, the rule was that a Board member could videoconference in to a meeting so long as the Board member's address or location was posted in case somebody else wanted to attend the meeting.

This law changes the Public Officer's laws so that, first, in order to even consider participating by videoconference the Board tonight must enact this local law. If this is done it doesn't require that videoconferencing be done but it gives the Board the authority. The law is also a lot more restrictive. Under the local law, at least three Board members must be in a place that is publicly accessible. That could be three people together in one location or three separate locations, but addresses would have to be posted and they would have to be accessible.

Board members typically can't just participate from home or some other location, unless they have certain extenuating circumstances. For instance the Board member is ill or traveling, circumstances that under the proposed rules you can determine that the person wouldn't have to make his or her site accessible. The person may be traveling or far away but he or she may still be able to participate in the meeting.

And lastly, any member can participate by videoconference but the question is when they count towards the quorum and they're able to vote. So in order to do that you need this law and since you have the system it would probably be a good idea to adopt the law for that purpose. There are also proposed rules and regulations which are required to be enacted. So what you would do tonight is approve the law, then approve the rules and procedures which would both become effective when the law is filed.

Trustee Scherer asked Attorney Nugent how this relates to the Executive Order that the Governor just past? Attorney Nugent responded that the Executive Order, which has been extended several times is an Executive Order under the Covid Emergency that allows all municipalities to conduct meetings by videoconferencing and telephone conference. This Executive Order remains in effect. Right now through July 14<sup>th</sup> if the Board needed to have a remote meeting where nobody was present and no addresses were posted, you can still do that. This Executive Order has been extended on a month to month basis. If for some reason the Board needed to have a special meeting and everybody couldn't get together they could still do it by video, regardless, and having nothing to do with this Local Law. This is more long-term.

Trustee Scherer asked if this would ultimately replace the Executive Order when it expires? Attorney Nugent said yes but that there would be a lot more restrictions than there is now. Right now we are operating under the Executive Order if we needed to, and when that expires we will go to this law.

**Close the Public Hearing on Draft Local Law #4 of 2022**  
**Resolution 0615-02**

Mayor McFadden resolved to close the Public Hearing to discuss draft Local Law #4 of 2022: A Local Law on the Use of Videoconferencing for Municipal Meetings.

The public hearing was adjourned at 6:55 p.m.

**Jaymie Ruiz, Part-Time Police Officer**  
**Resolution 0615-03**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to approve the request of Police Chief David Conklin to hire Jaymie Ruiz to be a Part-Time Police officer, effective immediately.

Vote of the Board:

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

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

**Consent Agenda**  
**Resolution 0615-04**

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

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

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye  
Trustee Brooke – Absent  
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 May 18, 2022

- c. Authorization to hire Machine Technician George Rogero to work on Election Day for \$175
- d. Authorization to hire alternates from the approved list of election day workers on an as-needed basis
- e. Authorization to renew Vimeo contract for FY23 for \$490.54
- f. (Removed)

**Public Hearing  
Draft Local Law #5  
Community Choice Aggregation Program.**

**Resolution 0615-05**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to schedule a Public Hearing at 7:00 p.m. on July 20, 2022 in Village Hall and by Zoom to discuss draft Local Law #5, a Local Law Creating a Community Choice Aggregation Program.

Vote of the Board:

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

**Adopt Local Law #5  
Resolution 0615-06**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to approve Local Law #5, a Local Law on the Use of Videoconferencing for Municipal Meetings.

Vote of the Board:

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

**Local Law #5  
Rules and Procedures  
Resolution 0615-07**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to adopt the Rules and Procedures for Videoconferencing as presented to the Village Board to be effective

on the same date as Local Law #5 becomes effective.

Vote of the Board:

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

**Travelers Insurance**  
**Resolution 0615-08**

Be it resolved that the Board of Trustees approve insurance company Travelers to replace our existing carrier.

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

Vote of the Board:

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

**Sewer Rates**  
**Resolution 0615-09**

Be it resolved that the Board of Trustees approve sewer rates in Option 3A recommended by Amawalk Consulting Group, LLC (see Attachment).

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

Vote of the Board:

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

**Speed Limit Sign**  
**Resolution 0615-10**

Be it resolved that the Board of Trustees approve the installation of a 25 mile per hour sign on West Lake Road near Summit Road.

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

Vote of the Board:

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

**Cooper Arias**  
**Resolution 0615-11**

Be it resolved that the Board of Trustees engage Cooper Arias for the 2022 Audit at a cost of \$19,000.

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

Vote of the Board:

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

**ICLEI**  
**Resolution 0615-12**

Be it resolved that the Board of Trustees approve the renewal of the Village subscription to ICLEI on the condition that the renewal is under \$1,000.

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

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye  
Trustee Brooke – Absent  
Trustee Christopher Kasker – Aye  
Trustee Scherer – Aye

Mayor David C. McFadden – Did not vote

**Jack Perna's Request for Road Cut**  
**Resolution 0615-13**

Be it resolved that in accordance with Village Code Section 83-1 Permit Required, the Board of Trustees approves the road cut request onto Lookout Stable Road for the lot owned by Jack Perna.

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

Vote of the Board:

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

**Jack Perna's Request for Septic System**  
**Resolution 0615-14**

Be it resolved that in accordance with Village Code Section 78-5 Connection with Public Sewer Required, the Board of Trustees approves the hardship request submitted by Jack Perna provided the septic plan is approved by the Orange County Health Department, the Village Engineer, the Building Inspector and the Planning Board.

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

Vote of the Board:

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

**Tuxedo Club Request for Road Cut**  
**Resolution 0615-15**

Be it resolved that in accordance with Village Code Section 83-1 Permit Required, the Village Board approves one additional road cut next to the existing road cut located at the main entrance to the Tuxedo Club, provided the revised plan matches the plan that was previously approved by the Board of Architectural Review.

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

Vote of the Board:

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

**Budget Transfers**  
**Resolution 0615-16**

Be it resolved that the Board of Trustees authorize Village Clerk-Treasurer Elizabeth Doherty to transfer \$50,000 from the General Fund to the Sewer Fund:

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

Vote of the Board:

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

**Enter Executive Session**  
**Resolution 0615-17**

Be it resolved that the Board of Trustees move from the public meeting into Executive Session at 7:47 p.m. to discuss litigation, a new employee hire, the PBA contract negotiations and several water accounts.

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

Vote of the Board:

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



**Exit Executive Session**  
**Resolution 0615-18**

Be it resolved that the Board of Trustees exit Executive Session at 8:06 p.m. and re-enter the public 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

No resolutions were made during Executive Session.

**Adjournment**  
**Resolution 0615-19**

Be it resolved that the Board of Trustees adjourn the regular meeting at 8:07 p.m.

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

Vote of the Board:

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

Respectfully submitted,



Elizabeth A. Doherty  
Village Clerk-Treasurer