

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
SPECIAL MEETING
NOVEMBER 4, 2022
MINUTES**

Present: Mayor David McFadden
Trustee Paul Brooke
Trustee Christopher Kasker
Trustee Joshua Scherer (via Zoom)

Absent: Deputy Mayor Anna (Tinka) Shaw

Village Clerk: Elizabeth A. Doherty

Attendees: Building and Land Use Officer John Ledwith

Mayor McFadden called the meeting to order at 8:41 am. Roll call was taken. Trustee Kasker arrived soon after roll call was taken.

**Enter Executive Session
Resolution 1104-01**

On a motion made by Mayor McFadden, seconded by Trustee Brooke, it was: Resolved that the Board of Trustees enter Executive Session to discuss legal matters at 8:42 a.m.

Mayor McFadden – Aye
Trustee Brooke – Aye
Trustee Kasker – Aye
Trustee Scherer – Did not vote
Deputy Mayor Shaw – Absent

**Authorizing Legal Services by Village
Special Counsel in Litigation
Resolution 1104-02**

WHEREAS, the Village Board of Trustees for the Village of Tuxedo Park (“Village”) desires to enforce the Village Code and New York State Fire and Building Codes to promote the public health safety and welfare of residents, first responders, and others accessing properties within the Village; and

WHEREAS, the Village Building Department and Code Enforcement Officials have previously issued orders directing dangerous and unlawful work at 116 Tower Hill Road West to cease unless and until such work is properly approved; and

WHEREAS, upon information and belief, the property owner continued to carry out work after the issuance of such violations and stop work orders in continued violation contrary to the provisions of the Village Code and New York State codes; and

WHEREAS, the Village desires to ensure that safety of all persons that may be impacted and placed at risk by the improper use of such 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 Village Board hereby authorizes Special Counsel, Feerick Nugent MacCartney, PLLC, to take any and all measures necessary to bring a legal proceeding in the County of Orange and/or any other appropriate forum to pursue a judicial order and such other relief necessary to enjoin and cease the continued building and development unless and until any and all appropriate approvals are obtained in relation to such use.

Section 3. The Village Mayor, and any other employee, official or consultant, as directed by the Mayor, is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

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 Joshua Scherer	[]	[]	[X]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]
Trustee Paul Brooke	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

Trustee Scherer as Liaison
Resolution 1104-03

On a motion made by Mayor McFadden, seconded by Trustee Brooke, it was: Resolved that Trustee Scherer be appointed liaison to the Madden settlement.

Mayor McFadden – Aye
Trustee Brooke – Aye
Trustee Kasker – Aye
Trustee Scherer – Did not vote
Deputy Mayor Shaw – Absent

Approval of Settlement
Resolution 1104-03

On a motion made by Mayor McFadden, seconded by Trustee Brooke, it was: Resolved that the Board of Trustees approve a settlement with the Tuxedo Club as per Village Counsel's recommendation.

Trustee Brooke commented that the liability created by the settlement is far smaller than the legal costs of fighting it. This is a reasonable, though not optimal, outcome.

Mayor McFadden – Aye
Trustee Brooke – Aye
Trustee Kasker – Aye
Trustee Scherer – Did not vote
Deputy Mayor Shaw – Absent

The meeting was adjourned at 8:52 am.

Respectfully submitted,

Elizabeth A. Doherty

Elizabeth A. Doherty
Village Clerk-Treasurer