

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 26, 2023
MINUTES**

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

Clerk: Elizabeth A. Doherty

Village Attorney: Christopher Pavlacka Esq. (Feerick Nugent MacCartney, PLLC) via Zoom,

Attendees: Building and Land Use Officer John Ledwith, Police Chief David Conklin (via Zoom), Department of Public Works Supervisor Jeff Voss, five members of the public were in attendance at Village Hall and approximately fifteen members of the public via Zoom

This is the rescheduled monthly Board of Trustees meeting from July 19, 2023.

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

Mayor McFadden began by saying that the annual Re-organization Meeting which normally occurs in July would not be happening this month because the June election results are still undetermined.

**Consent Agenda
Resolution 0726-01**

Be it resolved the Board of Trustees approve 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 – Aye
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 24 (Special Meeting), June 26 (Regular Meeting) and July 6 (Special Meeting)

John Ledwith as Second Signature
Resolution 0726-02

Resolve to add John Ledwith as the second signature to NYCLASS transfers.

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

Weston & Sampson Water Plant Repair
Resolution 0726-03

Resolve to approve W&S to engineer a solution for repairing the ceiling in the Water Plant to be implemented by the DPW at a rate of \$15,900.

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 – Aye

Grant Applications
Resolution 0726-04

Resolve to authorize Weston & Sampson to file the following grant applications at a cost not to exceed \$2,500 by the deadline of August 10, 2023:

1. Town Of Tuxedo Water Meter Relocation

2. East Village Water Main Replacement
3. Mountain Road Water Main Replacement
4. Tuxedo Lake Water Main Replacement
5. Water Treatment Plant Clear Well Upgrades

Motion 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 – Aye

BAR Chair
Resolution 0726-05

Resolve to appoint Ryan Lynch as the BAR Chair.

Motion 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

Audit of Claims

Village Clerk-Treasurer noted for the record the audit of claims as follows: General Fund - \$144,162.95, Sewer Fund - \$5,191.90 and Water Fund - \$21,961.24.

Enter Executive Session
Resolution 0726-06

Executive Session to discuss a Water Department matter with Jeff Voss, DPW Supervisor, legal matters and utility matters at 7:38 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 0726-07

Be it resolved that the Board of Trustees exit Executive Session and re-enter the public meeting at 8:20 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

Water Meter Repairs
Resolution 0726-08

Be it resolved that the Board of Trustees require that all non-functioning water meters be reported to DPW Superintendent Jeff Voss on the day that the meter is reported to be non-functioning. A list of non-functioning meters will be included in the DPW monthly report. Meters repairs will be scheduled within 30 days of being identified. Any meters not repaired within 30 days will be reported to the Village Board of Trustees. The report to the Village Board of Trustees must contain a reason why the meter repair could not be made within 30 days.

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

Harris Beach Legal Counsel
Resolution 0726-09

WHEREAS, the law firm of Feerick Nugent MacCartney PLLC (Brian Nugent, Esq.) has indicated its intent to withdraw as legal counsel to the Village Board of Trustees;

WHEREAS, the Village Board desires to retain legal counsel services for the Village Board and such other services as desired by the Village Board;

BE IT RESOLVED that the Village Board hereby authorizes the Mayor to execute the proposal letter dated June 30, 2023 to retain the services of Harris Beach PLLC to provide legal counsel and special counsel services to the Village Board for the scope of services approved by the Village Board from among the services set forth in the June 30, 2023 proposal from Harris Beach PLLC on the terms and conditions set forth therein, with such services to be effective August 1, 2023, with the caveat that the Village Board authorizes the Mayor to have a discussion with the attorneys of Harris Beach to negotiate the fees.

BE IT FURTHER RESOLVED, the Village Board may continue to use Feerick Nugent MacCartney PLLC for legal services, as directed by the Village Board, including the Board of Architectural Review and Justice Court matters on terms and conditions as agreed to by the Village.

BE IT FURTHER RESOLVED that this resolution is effective immediately.

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

Adjournment
Resolution 0726-10

Be it resolved to adjourn the public meeting at 8:24 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,

A handwritten signature in cursive script that reads "Elizabeth A. Doherty".

Elizabeth A. Doherty
Village Clerk-Treasurer