

## RE: Quick Question

Brian S. Stolar <bstolar@HarrisBeach.com>

Fri 4/19/2024 2:38 PM

To:Elizabeth Doherty <edoherty@tuxedopark-ny.gov>;jkasschau <jkasschau@harrisbeach.com>

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### ***Mr. Lynch's Appointment***

Ryan Lynch was appointed to the BAR on June 26, 2023. The June 26, 2023 minutes note that the appointment was to fill an open seat. However, the appointment also was made to an open seat "to be determined". As Mr. Lynch's appointment was made prior to the end of the official year (which begins at 12:00pm on the first Monday in July), the appointment would be for any seat then open. It would not have been for the seat that subsequently became available on July 3, 2023. I would note that had the appointment been made on or after July 3, 2023, this appointment could have been made for the term commencing on July 3, 2023 and terminating on July 3, 2028.

Having made the appointment prior to July 3, 2023, if the appointment was made to fill the seat for the Board member whose term was expiring on July 3, 2023, the appointment would have only been for the remainder of the term ending on July 3, 2023. And, as such, Mr. Lynch's term would have expired on July 3, 2023, and now he would be serving as a holdover in the position. In that circumstance, the Board may fill that position by appointing Mr. Lynch or a new member for the term that expires on July 3, 2028.

### ***The "Open Seat" as of June 26, 2023***

As of June 26, 2023, in accordance with the Board minutes, the following BAR members were then serving for the following terms:

Molly Gonzales (term ending on July 1, 2024) – On January 18, 2023, Ms. Gonzales was appointed to fill the unexpired term of Josh Aaron.

Christopher Gow (term ending on July 7, 2025) - Mr. Gow was appointed to this position on September 29, 2020.

Sheila Tralins (serving as a holdover in the position whose term, if appointed for a full term, would end on July 6, 2026) – Ms. Tralins was appointed on October 1, 2016 to fill the position terminating July 5, 2021. She then served as a holdover (which was acknowledged in the July 21, 2021 and July 20, 2022 Board organizational meeting minutes) and continued to serve as a holdover until the Board appointed a replacement for the balance of the term (or she resigned). Please note that a holdover for a 5 year position only serves in the position until (a) a replacement is appointed or (b) the holdover resigns.

Stefanie Rinza (term ending on July 5, 2027) – Ms. Rinza was appointed on January 18, 2023 to fill the seat previously occupied by Christopher Boshears.

Robert McQuilkin (serving as a holdover (unless again appointed after July 3, 2023) for a term ending on July 3, 2028) – Mr. McQuilkin was appointed on December 18, 2019 to fill the position that was previously occupied by Christian Bruner. The term of the position was set to expire on July 3, 2023.

Based on the terms as noted above, the only "open seat" as of June 26, 2023 was the seat then occupied by Sheila Tralins as a holdover. And that seat has a term ending on July 6, 2026. This analysis assumes that each of the above identified BAR members remained in their respective seats as of June 26, 2023 and had not previously resigned. Had there been a properly filed resignation (one that is filed with the Village, regardless of whether the resignation is accepted by the Board (as a resignation is effective on the resignation date identified in the filed resignation letter)), then there would be additional confusion as to whether Mr. Lynch occupies the 2026 seat or another seat. Based on the information that we received, the only option is that his appointment was to fill the seat then occupied by Ms. Tralins as this was the only open seat as of June 26, 2023.

## Brian S. Stolar

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**From:** Elizabeth Doherty <edoherty@tuxedopark-ny.gov>

**Sent:** Friday, April 19, 2024 2:27 PM

**To:** Brian S. Stolar <bstolar@HarrisBeach.com>; Jared A. Kasschau <JKasschau@HarrisBeach.com>

**Subject:** Quick Question

Hello, Brian,

Would it be possible for you to send me the document you read at Wednesday's meeting that outlined the board terms for the BAR? I would like to include it as an attachment to the minutes for that meeting.

Thank you.

Elizabeth

Elizabeth Doherty | Village Clerk-Treasurer | Village of Tuxedo Park

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