

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JUNE 20, 2018
7:00 P.M.**

Present: Mayor David McFadden
Deputy Mayor Alan McHugh
Trustee Allen Barnett
Trustee Paul Gluck
Trustee John Moon

Clerk: Deborah Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Meg Vaught, Tom Salierno, Diana Larsen, Kevin & Sue Niblo, Denis Miller, Stewart & Jean McGregor, Christopher Gow, Ellen Gluck, Naomi Moon, Bonnie Takeuchi, Claudio Guazzoni, Audrey Perry, Frank Ball, Jedediah Turner, JoAnn Hanson, Susan Goodfellow, Grace & Miguel Hennessy, Andrew McQuilling, et.al.

Mayor McFadden made a motion to open the meeting at 7:00 p.m., seconded by Deputy Mayor McHugh. The vote was 5-0 in favor. Roll call was taken and Mayor McFadden led the Pledge of Allegiance.

Mayor's Comments

Mayor McFadden thanked all the residents who came out to vote yesterday. He congratulated Maureen Coen and Allen Barnett on their election to a two-year Trustee term, which begins on July 2nd.

Mayor McFadden extended his thanks to Trustee John Moon and complimented him for doing a terrific job for the Village.

Trustee Comments

Trustee Moon thanked everyone stating "it's been wonderful meeting you and an honor working for you". He also thanked his colleagues on the Board, stating "it's been a pleasure working with you. We didn't always agree, but we always respected each other's differences." He also thanked Brian, Debbie, and John.

North Gate

Mayor McFadden stated that he received complaints from the Police Department and the DPW about people using the north gate (by the sewer plant), particularly vendors, and it will not happen again. He announced that going forward there will be tickets issued and arrests made for unauthorized use of the north gate.

Re-Open Public Hearing – Local Law Introductory D1 of 2018 (Short Term Rentals)

A motion was made by Mayor McFadden, seconded by Trustee Moon that the public hearing on Local Law Introductory D1 of 2018 be reopened at 7:05 p.m. The vote was 5-0 in favor.

There being no comments from the audience, a motion was made by Mayor McFadden, seconded by Trustee Barnett that the public hearing be closed at 7:06 p.m. The vote was 5-0 in favor.

Adopt Local Law Introductory D1 of 2018 as Local Law No. 1 of 2018

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board pass the following resolution to adopt Local Law Introductory D1 of 2018 as Local Law No. 1 of 2018 which amends the Village Code concerning the regulation of the use of residence buildings within the Village for other than permanent residence purposes and advertising of residence buildings:

WHEREAS, the Village of Tuxedo Park (the “Village”) desires to prevent the commercialization of the residential developments within the Village; and

WHEREAS, the Village desires to protect and preserve the Village’s historical nature and unique, tranquil neighborhood character, and to further the purposes of the Village’s Zoning Code and the Zoning Districts, which are to promote, preserve and protect the public health, safety and general welfare of the community, and to protect the significant historic and unparalleled scenic assets of the Village; and

WHEREAS, the Village further desires to protect and ensure the safety of its residents, as well as those traveling to the Village; and

WHEREAS, the Village desires to avoid negative impacts on the quality of life of its residents and prevent unfair competition while enabling appropriate entrepreneurial and economic opportunities; and

WHEREAS, the Village determines that short-term rentals of residential property and the commercialization of residential developments is a use that is inconsistent with the purposes of the Village’s Zoning Code and affects the essential character and stability of the Village and the community the residents enjoy; and

WHEREAS, the Village finds that long-term rentals and permanent residents furthers the purposes of the Zoning Code, preserves the unique residential neighborhood character of the Village and contributes toward a stable community that is strengthened by community involvement and engagement; and

WHEREAS, a public hearing duly noticed was held February 21, 2018, and continued on March 21, 2018, at the Village Hall where public comment was solicited; and

WHEREAS, a re-opening of the public hearing was duly noticed and held on June 20, 2018, at the Village Hall where further public comment was solicited; and

WHEREAS, the local law was referred to the Orange County Department of Planning who, on March 6, 2018, determined the proposed local law to be a matter of strictly local importance and determination, and who found no evidence that significant Intermunicipal or countywide impacts would result from its approval; and

WHEREAS, the Village Board, after hearing all interested parties and public comment, desires to amend the Village Code to specifically make unlawful certain short-term rentals of residential property within the Village.

NOW THEREFORE BE IT RESOLVED that:

- Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth fully.
- Section 2. The Village Board hereby adopts Local Law No. 1 of 2018 entitled “A Local Law Amending the Village Code Concerning the Regulation of the Use of Residence Buildings Within the Village for Other Than Permanent Residence Purposes and Advertising of Residence Buildings,” a copy of which is attached hereto and made a part hereof, and the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.
- Section 3. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Re-Open Public Hearing – Local Law Introductory D2 of 2018 (Non-utility Devices on Utility Poles)

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the public hearing on Local Law Introductory D2 of 2018 be reopened at 7:10 p.m. The vote was 5-0 in favor.

There being no comments from the audience, a motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the public hearing be closed at 7:11 p.m. The vote was 5-0 in favor.

Adopt Local Law Introductory D2 of 2018 as Local Law No. 2 of 2018

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board pass the following resolution to adopt Local Law Introductory D2 of 2018 as Local Law No. 2 of 2018 which amends the Village Code concerning the regulation of devices in public right-of-Ways and Easements:

WHEREAS, the Village of Tuxedo Park (the “Village”) desires to protect and ensure the safety of its residents as well as those traveling within the Village; and

WHEREAS, the Village hereby finds that the Village is a historic site recognized and listed on the federal and state Registers of Historic Places and that permitting non-utility devices that would be located on and adjacent to the Village’s roadways would significantly alter the unique historic character and aesthetic beauty of the Village; and

WHEREAS, the Village finds that use of devices in the public right-of-ways, easements, and other non-private property areas may have an impact upon the traveling and residential public within the Village and must thereby be lawfully regulated to protect the public health, safety, and welfare of all residents as well as those traveling in the Village; and

WHEREAS, the Village determines that this local law is intended to protect the aesthetic beauty and appearance of the community, preserve the scenic, historic and natural setting of the

Village, make a more enjoyable and pleasing community, and promote consistency in the installation of any non-utility devices; and

WHEREAS, a public hearing was duly noticed and such public hearing was held on February 21, 2018 and continued on March 21, 2018, at the Village Hall, where public comment was solicited; and

WHEREAS, a re-opening of the public hearing was duly noticed and held on June 20, 2018, at the Village Hall where further public comment was solicited; and

WHEREAS, the local law was referred to the Orange County Department of Planning who, on March 6, 2018, determined the proposed local law to be a matter of strictly local importance and determination, and who found no evidence that significant Intermunicipal or countywide impacts would result from its approval; and

WHEREAS, the Village Board, after hearing all interested parties and public comment, desires to add regulations to the Village Code of devices in the public right-of-ways, easements, and other non-private properties within the Village.

NOW THEREFORE BE IT RESOLVED that:

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

Section 2. The Village Board hereby adopts Local Law No. 2 of 2018 entitled “Regulation of Devices in Public Right-of-Ways and Easements,” a copy of which is attached hereto and made a part hereof, and the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

Section 3. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Police – DPW – Building Reports – will be posted on the Village website.

Capital Projects

John Ledwith gave a synopsis of capital projects that include: Water storage tank number one is completed with the completion of work on the second Ridge Road tank to be done in October so as not to adversely affect water pressure during peak summer demand. The total cost of the two tanks refurbishment is approximately \$85,836. Water filter #2 is complete and back on line (cost \$83,778) and work on filter #1 has begun (approximate cost \$97K); the chemical process at the water plant will be changed from Aluminum Sulfate to PACL which is non-hazardous alleviates the need for annual DEC permits and more cost effective; the low lift pump at the water plant failed and quotes are being sought for the repair; Weston & Sampson Engineers are preparing a plan for using treated wastewater to wash the screens at the sewer plant.

Committee Reports - None

Trustee Liaison Report

Dam Construction

Deputy Mayor McHugh reported that the dam is 90% complete. There were issues with the cap stones and fascia stones on the auxiliary spillway which have been resolved. Following installation of the fascia stones, the cofferdam and access road will be removed so that Section A of the parapet wall can be installed. Once completed, the Village can obtain DEC approval. Filling of the lake to the final pool level is anticipated for some time in October.

In response to a question regarding the weeds growing along the shoreline of the Wee Wah, Deputy Mayor McHugh stated that the weeds will be hand pulled around the “armor” dam stonework and that around the exposed lakebed, on advice of the Lake Manager, the weeds will be left.

Deputy Mayor McHugh reported that because of delays in the dam construction, additional engineering oversight by CHA has been required.

Approve CHA EWA #11

A motion was made by Deputy Mayor McHugh, seconded by Mayor McFadden that the Board approve the request of CHA for EWA #11 for the period June 18 through July 13, 2018 in an amount not to exceed \$30,700 in substantially the same format as the other approved EWAs.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Public Comments

In response to a question regarding traffic stops conducted on Route 17 in front of the train station and the Village entrance last Saturday, Chief Melchiorre stated that traffic stops will not be done again on Saturdays, but will be done on weekdays.

OLD BUSINESS

Wee Wah Beach Club Request

Trustee Gluck stated that the Wee Wah Beach Club has requested use of the Beach area on July 4th for a one-day picnic event for its past membership. They understand the traffic & safety concerns as they pertain to the dam project and have assured the Board that guests will ‘turn left only’ when leaving the premises.

A brief discussion was held with Deputy Mayor McHugh wanting the area closed until the dam is complete, and Trustee Moon in favor if the hazardous areas are blocked off.

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the request of the Wee Wah Beach Club to hold a single day July 4th picnic event at the Wee Wah Beach Club

facility subject to the amendment of their license agreement on the terms approved by Counsel and authorized by the Mayor be approved.

Vote of the Board: 4 ayes, 1 nay (McHugh)

The motion was passed by a 4-1 vote.

NEW BUSINESS

Award Bid for Chipper

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees award the bid for the wood chipper to the sole bidder, Westchester Tractor, Inc., Brewster, NY, for the Brush Bandit Model Intimidator 15XP in the amount of \$47,791.72.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Appoint Part Time Police Officer

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees, upon the recommendation of Chief Melchiorre, appoint Michael Rizzo (who has passed all vetting and background checks) as a part time Police Officer in the Tuxedo Park Police Department, effective June 20, 2018 at \$24.00 per hour, and he has.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Authorize Police Training

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees, at the request of Chief Melchiorre, authorize Sgt. Taback and Denise Spalthoff to attend the 2018 Impact User Training Conference on September 17 & 18, 2018 in Saratoga Springs, NY, with the cost of accommodations and meals expended to the 2018-2019 Police Training Budget.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Electronic Resources Use Policy

Trustee Gluck explained that last week Village emails were switched from GoDaddy to Microsoft 365, and new computers will be installed in the Village Office on Friday. The IT work is being done and charged through an inter-municipal agreement with the Town of New Windsor. There are members of the various Village boards that have been using their personal emails for Village business. With the new Microsoft email, those board members will now be

assigned emails using the 'tuxedopark-ny.gov' address and will be required to use the new address for any Village business. As a result, it is now necessary to have a policy as to regulated use of Village emails, Village hardware, and Village software programs.

A lengthy discussion was held.

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board adopt the Electronics Resources Use Policy as a policy of the Village subject to a 30-day transition period for restrictions on the use of personal email accounts for Village business.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Ratification of Consulting Agreement

Attorney Nugent stated that this is in regard to the September 13, 2017 consulting agreement with John Ledwith and should be discussed in executive session. The Board was in agreement.

South Gate House Roof

John Ledwith reported that the roof on the south gate house is in need of repairs having at least three layers of asphalt and is leaking. Since the house is now rented, it is imperative that it be repaired as soon as possible. The proposal is to use cedar shakes and copper flashing. Three quotes were obtained and the lower quote was \$22,000 by Willow Tree.

Deputy Mayor McHugh stated that there is money left in the 2017-2018 budget for building repairs, and the Village accountant has recommended a modification to the 2018-2019 budget to carry over the overage into the new budget.

Approve 2018-2019 Budget Modification

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the budget modification for the fiscal 2019 budget category of 162020A by \$21,000 (an increase from \$25,000 to \$46,000) and that Appropriated Fund Balance category A599 be increased by \$21,000 for the purpose of repairs to the roof of the South Gate house.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Approve Repair of South Gate House Roof

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board authorize the funds for the repair of the Village owned property, the South Gate House.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Water Department Capital Expense

Deputy Mayor McHugh explained that authorization is required to expend funds for the refurbishment of water filter #1 for a total of \$97K (\$46,896 for underdrains, painting of \$45K, welding to underpin all the drains, and the DPW doing the exterior painting during regular working hours.) The refurbishment will give an additional 20 years of life to the filter.

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board authorize up to \$97K for the refurbishment of water filter #1 as a capital expense to be paid from the water bond capital expenses.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Tuxedo Lake Survey

Trustee Gluck stated that Solitude Lake Management is being asked to come in and do a plant survey of Tuxedo Lake and Pond #3 to establish a base line regarding the vegetation in both lakes.

A motion was made by Trustee Gluck, seconded by Mayor McFadden that Solitude Lake Management be retained to survey plants in Tuxedo Lake and Pond #3 for a total not to exceed \$5K, this being a new service under the main agreement with Solitude.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Application of Navigate Herbicide

A very lengthy public discussion was held regarding the application of 2-4D (Navigate) on Pond #3 for the treatment of Eurasian Milfoil as recommended by the Village's Lake Manager.

There were both pros and cons, from audience members and letters received, regarding the application, with those residents who live on Pond #3 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board approve the use of Navigate for the treatment of Eurasian Milfoil on Pond #3.

Vote of the Board: 3 ayes, 2 nays (Barnett, Moon)

The motion was passed by a 3-2 vote.

Budget Transfers

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the budget category transfers for the 2017-2018 General Fund and Water Fund as detailed on the attached lists.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Real Estate Advertising

Mayor McFadden stated that in the last six months open houses have been held in the Village despite their prohibition in the Village Code. The Village would like to accommodate the realtors and rather than a mass mailing announcing an open house, that they schedule appointments and provide a list to the police.

A brief discussion was held which included signage for the day of an event.

A motion was made by Trustee Moon, seconded by Mayor McFadden that the Board adopt a resolution for recommended policies and practices regarding publicly advertised sale of real estate in the Village of Tuxedo Park as follows:

WHEREAS, pursuant to the Village Code of the Village of Tuxedo Park (“Village”) Section 25-5, the holding of open houses and similar events are prohibited; and

WHEREAS, instances have occurred in the Village where individuals, entities and/or agents have been advertising open houses for real estate purposes which are contrary to the provisions of the Village Code; and

WHEREAS, the Village Board wishes to balance the interest of individuals, entities and agents in the real estate business with the requirements of the Village Code and the public interests of the residents of the Village of Tuxedo Park; and

NOW, THEREFORE, be it is resolved as follows:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference as if set forth fully.

Section 2. The following policies shall be applicable to instances where real estate is being offered to the public (“At-Large Offers”):

- a. All At-Large Offers shall be by appointment only.
- b. A list of visitors seeking to visit and view the subject real estate shall be presented to the Police Department in advance of such visit.
- c. Individuals seeking to visit homes that are the subject of an At-Large Offers shall not be admitted into the Village unless the individuals name is on a list with the Village Police Department.
- d. Any such visitors may be provided with any relevant information determined appropriate by the Village Board or the Mayor.
- e. Only one lawn sign advertising the At-Large Offer will be permitted in order to identify the property to those authorized visitors invited to view the subject properties to be placed on the subject property from 8am to 5pm on the date of the sale only.

Section 3. The Village Board hereby authorizes and directs the Mayor and/or his designee to transmit a copy of this Resolution to any and all realtors known to be engaged in the real estate business within the Village of Tuxedo Park.

Section 4. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Alan Yassky

Mayor McFadden paid tribute to Village resident Alan Yassky who passed away earlier this month, commenting that he was a great friend and ‘a hero to the Village’ as he had donated a great deal of his time and expertise to many Village projects.

Public Comments

Speakers: Bonnie Takeuchi, Claudio Guazzoni

Paraphrased Comments:

- *Thanked the Board for approving the July 4th event at the Beach Club.
- *The July 3rd overflow from the fireworks cannot be accommodated this year.
- *Is there a tenant in the south gate house and how much is the rent?
- *The south gate must now be listed on the tax roll.
- *Do you realize the effect of chemical treatment on people downstream?

Paraphrased Responses:

- *The south gate house does have a tenant and the rent is \$1,150 per month. It will be put back on the tax roll.
- *Mr. Guazzoni was thanked for his comments and told this is not the time for further debate.

Approve Minutes

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the February 20, 2018 Board of Assessment Review Grievance Day meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Barnett absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the March 15, 2018 Board of Assessment Review meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the March 21, 2018 Special Board of Trustees meeting be approved.

Vote of the Board: 3 ayes, 0 nays, 2 abstentions (McFadden, Gluck absent)

The motion was passed by a 3-0-2 vote.

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the minutes of the March 28, 2018 Board of Assessment Review meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Trustee Moon that the minutes of the March 28, 2018 Board of Trustees monthly meeting be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the March 30, 2018 Special Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the April 16, 2018 Special Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Trustee Moon that the minutes of the April 18, 2018 Board of Trustees monthly meeting be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the April 27, 2018 Special Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the May 16, 2018 Board of Trustees monthly meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the June 7, 2018 Special Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon absent)

The motion was passed by a 4-0-1 vote.

Audit of Claims

Bills in the amount of \$245,581.96 in the General Fund, claim numbers 6-1 to 6-130; \$38,080.27 in the Water Fund, claim numbers W6-1 to W6-22; and \$171,474.85 in Capital Projects, claim numbers CP6-1 to CP6-7; and \$2,29.39 in Professional Fees, claim numbers PF6-1 to PF6-9 be audited and ordered paid.

Adjourn to Executive Session

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board enter executive session at 9:31 p.m. for the purpose of discussing pending litigation. The vote was 5-0 in favor.

Exit Executive Session and Re-Open Regular Session

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board exit executive session and re-open regular session at 9:57 p.m. The vote was 5-0 in favor.

Consulting Agreement

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board adopt a resolution ratifying the consulting agreement between the Village of Tuxedo Park and John Ledwith as follows:

WHEREAS, the Village of Tuxedo Park (“Village”) previously authorized a Consulting Agreement with John Ledwith, on September 13, 2017, pursuant to which John Ledwith would provide consulting services to the Village in return for a fee; and

WHEREAS, the September 13, 2017 Resolution set forth two conditions that must be met before the execution of the Consulting Agreement, and said conditions were: (1) that the Consulting Agreement be substantially in the form reviewed by the Village Board and (2) that any changes, if made, be reviewed by counsel and approved by the Mayor and Trustee Gluck; and

WHEREAS, in accordance with the Village Board Resolution adopted on September 13, 2017, and pursuant to the authority vested in him as Mayor under law, the Mayor executed the Consulting Agreement in the name and on behalf of the Village; and

WHEREAS, a Complaint was filed in the Orange County Supreme Court alleging that the Mayor acted outside the scope of his authority in executing the Consulting Agreement; and

WHEREAS, the Village Board has authorized payments under such Agreement since its execution; and

WHEREAS, the Orange County Supreme Court determined that a questions of fact remained as to whether the Consulting Agreement signed by the Mayor on September 21, 2017, was in substantially the same form as the Agreement approved by the Village Board on September 13, 2017; and

WHEREAS, the Village Board desires to avoid further wasteful litigation contrary to the best interest of the Village taxpayers; and

WHEREAS, the Village Board has at all times considered the Consulting Agreement to be in full force and effect.

NOW, THEREFORE, be it is resolved as follows:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference as if set forth fully.

Section 2. The Consulting Agreement signed by Mayor David McFadden on September 21, 2017, and annexed hereto is hereby ratified in all respects by the Village Board, from the date of execution through the date of this Resolution.

Section 3. The Village board hereby approves, confirms, ratifies and adopts in all respects the actions taken by the Mayor in executing the Consulting Agreement and any acts taken by any person designated and authorized to act by the Village Board to carry out the provisions of the September 13, 2017 Resolution and the Consulting Agreement as acts in the name and on behalf of the Village of Tuxedo Park, regardless of whether any such acts could be construed as *ultra vires* at the time the action was taken.

Section 4. This Resolution shall be effective immediately.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Moon)

The motion was passed by a 4-0-1 vote.

Adjournment

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the meeting the adjourned at 10:02 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer