

**VILLAGE OF TUXEDO PARK  
SPECIAL BOARD OF TRUSTEES MEETING  
DECEMBER 12, 2006  
7:30 P.M.**

Present: Mayor David McFadden  
Trustee Larry Darby  
Trustee Oliver Parker  
Trustee Houston Stebbins

Absent: Deputy Mayor Hansen

Clerk: Deborah Matthews

Also: Richard Golden, Esq., Celeste Gebhardt, John Ledwith  
Chris & Sally Sonne for the public session only

Mayor McFadden called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Mayor McFadden explained that due to time constraints and Attorney Golden's participation, the Executive Session would be held first. The Trustees agreed.

**ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Board enter into Executive Session at 7:35 p.m. to discuss potential litigation between a Village homeowner in construction and the Village. The motion was passed by a vote of 4-0 in favor of adjourning.

Attorney Rick Golden, BAR Chairwoman Celeste Gebhardt and Building Inspector John Ledwith participated in the discussion.

**REOPEN REGULAR SESSION**

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Board re-open regular session at 8:40 p.m. The vote was 4-0 in favor of reopening.

**INTERNAL FORENSIC INVESTIGATION –VILLAGE POLICE DEPARTMENT**

Trustee Darby read his statement outlining his reasons that an investigation should be conducted. A copy is attached.

Trustees Darby, Stebbins and Parker feel that the Village should expend the money to have an internal forensic investigation done regarding Village moneys or property possibly unaccounted for and related matters pertaining to the Village of Tuxedo Park Police Department. The forensic investigators, BST Consultants, would be hired by the Roemer firm, which would conduct the investigation on behalf of the Village, and their cost could be \$20-50,000, billed through the attorneys. Trustees Darby, Stebbins and Parker feel that money can be found in the current budget to cover the cost.

Mayor McFadden stated that the New York State Commission of Investigation is working with the Orange County District Attorneys Office and that these two agencies have already gathered documents and information from the Village in conducting their own forensic investigation. Mayor McFadden further stated that the Village should not do its own investigation at this time but wait until the DA's findings as well as those of the State Commission are released and can be shared with the Village Board.

A discussion followed.

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Board of Trustees adopt a resolution authorizing the Roemer Wallens & Mineaux firm, with the assistance of BST Valuation & Litigation Advisors, LLC, to begin an internal investigation into possible Village moneys or property possibly unaccounted for and related matters pertaining to the Village of Tuxedo Park Police Department, and that the investigation address possible police misconduct, which would include whether or not there was wrong doing, identification of who was involved and to what nature or extent, whether potentially missing Village property is accounted for, whether Village records were falsified, whether or not there was a failure of supervision, whether internal controls were adequate, what steps should be taken to remediate any possible violations and what improvements should be made to internal controls, policies and procedures to prevent reoccurrences should it turn out there are violations.

Vote of the Board: Trustee Darby – aye  
Trustee Stebbins – aye  
Mayor McFadden – aye  
Trustee Parker – aye

The motion was passed by a 4-0 vote.

**PUBLIC COMMENT PERIOD** – No comments from the public

### **ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor McFadden to adjourn to Executive Session at 9:00 p.m. to discuss the Regna-Lindsay and Sterling Place (Forest) lawsuits. The vote was 4-0 in favor of adjourning.

### **ADJOURNMENT**

A motion was made by Major McFadden, seconded by Trustee Stebbins that the meeting be adjourned at 10:50 p.m. The vote was 4-0 in favor of adjournment.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer

These minutes approved by the BOT on 12/20/06