

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REORGANIZATION MEETING
JULY 24, 2012
7:00 P.M.**

Present: Mayor Thomas Wilson
Deputy Mayor David du Pont
Trustee Alan Heywood
Trustee John Kilduff
Trustee Liane Neuhauser

Clerk: Deborah A. Matthews

Also: Chief Sanford, John Ledwith, Jeff Voss, Rick Golden, Esq., Susan Goodfellow, Mary Graetzer, Meg Vaught, Mary Grimming, Jack & Audrey Perry, Steve Maurer

Mayor Wilson called the meeting to order at 7:00 p.m. New Trustee Kilduff led the Pledge of Allegiance.

Mayor Wilson welcomed newly elected Trustee John Kilduff to the Board. (He had been previously sworn in.)

APPOINTMENTS

The following appointments serve at the discretion of the Board of Trustees, unless otherwise specified in Village Code or NYS Village Law.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the following list of appointments and terms for Village Employees, Volunteer Village Residents, Professionals, Official Entities and Other:

<u>APPOINTEE</u>	<u>POSITION</u>	<u>TERM</u>
<u>Village Employees</u>		
Deborah A. Matthews	Village Clerk-Treasurer	One Year
	Clerk to the BZA	One Year
John C. Ledwith	Deputy Village Clerk-Treasurer	One Year
	Water Billing Clerk	One Year
	Sewer Inspector	One Year
	Clerk to the Planning Board and BAR	One Year
	Building Inspector & Enforcement Officer	One Year
	Real Property Assessor	One Year

June Menkens	Clerk to the Justice Court	One Year
Alice Confield	Deputy Clerk to the Justice Court	One Year
Jeffrey T. Voss	DPW Superintendent	One Year
Kenneth L. Sanford	Police Chief	One Year

Residents

Trustee David du Pont	Deputy Mayor and Budget Officer	One Year
Gardiner Hempel	Village Fire Inspector	One Year
Sam Bornstein (Term Exp 2012)	Planning Board Member	Five Years
Maureen Coen (Term Exp 2012)	Board of Zoning Appeals Member	Five Years
Robert Simon (Term Exp 2012)	Board of Architectural Review Member	Five Years
Gary Glynn	Chair of Board of Zoning Appeals	One Year
JoAnn Hanson	Chair of Planning Board	One Year
Paola Tocci	Chair of Board of Architectural Review	One Year
Jonathan Whitney	Deputy Chair of BZA	One Year
Robert Simon	Deputy Chair of BAR	One Year
Robert McQuilkin	Deputy Chair of PB	One Year
James Jospe	Lake Warden	One Year
Greg Libby	Lake Warden	One Year
Todd Yannuzzi	Lake Warden	One Year
Jim Jospe	Lake Warden	One Year

Professionals

Weston & Sampson	Engineer for the Village, PB & BAR	One Year
Burke, Miele & Golden, LLP	Attorneys for the Village, PB & BAR	One Year
Dickover, Donnelly, Donovan & Biagi, LLP	Attorneys for the BZA	One Year
Roemer Wallens & Mineaux, LLP	Special Counsel for the Village	One Year
The West Firm, LLC	Special Counsel for the Village	One Year
Kirkland & Ellis LLP	Special Counsel for the Village	One Year
Marshall & Sterling, Inc.	Insurance Agent for the Village	One Year
Barton & Loguidice, P.C.	Village Planner	One Year

Official Entities

Times Herald Record	Official Newspaper	One Year
J.P. Morgan Chase Bank, Provident Bank, & M&T Bank	Official Depositories	One Year

Others

Mary Grimmig	Secretary to the BZA	One Year
	Secretary to the Planning Board	One Year
	Secretary to the BAR	One Year
	Office Assistant – Part Time	One Year

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

SALARIES (per 2012-2013 adopted budget)

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the following list of employees with their salaries, as allocated in the adopted 2012-2013 Village Budget:

<u>EMPLOYEE</u>	<u>POSITION</u>	<u>SALARY</u>
<u>Administration Department</u>		Filed at the Village Office
Deborah A. Matthews	Village Clerk-Treasurer	
John C. Ledwith IV	Deputy Village Clerk-Treasurer Water Billing Clerk Building Inspector & Enforcement Officer Real Property Assessor	
<u>Department of Public Works</u>		Filed at the Village Office
Jeffrey T. Voss	Village DPW Superintendent	
Franke Lunde	MEO	
John Hochheim	Automotive Mechanic	
John T. Smith, Jr.	Water/Sewer Plant Operator	
Kirk LaBar	Laborer	
Stephen C. Barba	Water/Sewer Plant Operator	
Thomas Derbyshire	Working Foreman	
William Kyles	MEO	
<u>Police Department</u>		Filed at the Village Office
Kenneth L. Sanford	Police Chief	
James V. Ascione	Police Officer-FT	
Michael J. Taback	Police Officer-FT	
Daniel J. Sutherland	Police Officer-FT	
James P Abrahamsen	Police Officer-PT	
Richard C. Jackson	Police Officer-PT	

John E. Mauro	Police Officer-PT
Michael J. Ramos	Police Officer-PT
Stephen J. Colantonio	Police Officer-PT
Vincent J. D'Amato	Police Officer-PT
Thomas Cunningham	Police Officer-PT
Rodney E. Krinke	Police Officer-PT
Nicholas J. Vega	Police Officer-PT
Michael R. Coleman	Police Officer-PT

Denise R. Spalthoff	Traffic Guard-FT
Glenn W. Miller	Traffic Guard-FT
Laurie A. Humenanski	Traffic Guard-FT

Jesse Furnari	Traffic Guard-PT
Joseph Lierni	Traffic Guard-PT
William M. Fields Sr.	Traffic Guard-PT
David Yates	Traffic Guard-PT
Gregory W. Hart	Traffic Guard-PT
Michael J. Nolan	Traffic Guard-PT
Richard J. Walls, Jr.	Traffic Guard-PT

Village Justice Court

Filed at the Village Office

David L. Levinson	Village Justice (Elected)
June Menkens	Clerk to the Justice Court
Alice Confield	Deputy Clerk to the Justice Court

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

OFFICIAL UNDERTAKINGS AND OFFICIAL UNDERTAKINGS OF MUNICIPAL OFFICERS

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the following resolution to approve the form of Official Undertakings of Municipal Officers of the Village of Tuxedo Park and the manner of execution and sufficiency of the Village's insurance company as surety:

WHEREAS the appointment of the above named to the office of the Village Clerk;
 WHEREAS the appointment of the above named to the office of the Deputy Village Clerk;
 WHEREAS the appointment of the above named to the office of the Chief of Police;
 WHEREAS the appointment of the above named to the office of the Village Superintendent of Public Works;
 WHEREAS the above named elected to the office of Village Justice;
 WHEREAS the appointment of the above named Clerk and Deputy Clerk to the Village Justice; and

NOW, THEREFORE, the respective officers above, do hereby undertake with the Village of Tuxedo Park that they will faithfully perform and discharge the duties of their office, will promptly account for and pay over all moneys or property received as a Village Officer, in accordance with the law; and

The Village does and shall maintain insurance coverage, presently with Argonaut Insurance Company through its agent Marshall & Sterling, Inc., to indemnify against losses through the failure of the officers, clerks, and employees covered there under faithfully to perform their duties or to account property for all moneys or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board adopt the following insurance coverages regarding the Bonding of employees:

Employee Insurance Theft Coverage-\$500,000 per employee
 Clerk Treasurer Position Insurance Theft Coverage-\$1,000,000
 Deputy Clerk-Treasurer Position Insurance Theft Coverage-\$1,000,000
 Computer & Funds Transfer Fraud-\$500,000

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

OPEN MEETINGS LAW REQUIREMENTS

A motion was made by Mayor Wilson, seconded by Trustee Kilduff that the Board adopt the following Monthly Meeting Schedule:

BOARD MEETINGS

Board of Trustees
 Board of Zoning Appeals
 Planning Board
 BAR
 Village Justice Court

SCHEDULED DATES

4th Tuesday of each month @ 7:00 pm
 4th Thursday of each month @ 7:00 pm
 1st & 3rd Monday of each month @ 7:30 pm
 1st & 3rd Tuesday of each month @ 7:00 pm
 3rd Thursday of each month @ 6:30 pm

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

2013 REORGANIZATION MEETING

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board schedule the 2013 Reorganization meeting on Tuesday, July 23, 2013 at 7:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

PROCUREMENT PROCEDURE

A motion was made by Mayor Wilson, seconded by Trustee Kilduff that the Board renew for one year the Procurement Policy for the Village of Tuxedo Park as amended and adopted by the Board of Trustees on June 9, 2010. A copy is attached.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

ADVANCE APPROVAL OF CLAIM

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board authorize the payment in advance of audit of claims for public utility services, postage, freight and express charges.

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, and

WHEREAS all such claims shall be presented at the next regular meeting for audit, and

WHEREAS the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees,

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

Section 2. That this resolution shall take effect immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

MILEAGE ALLOWANCE

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board authorize payment of the actual and necessary expenses of all officers and employees incurred in the performance of their official duties that can be charged against the Village. In lieu of auditing and allowing a claim for actual and necessary expenses for travel, the Board authorizes the payment of a reasonable mileage allowance for use of personal automobiles in the performance of official duties.

WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees shall approve reimbursement to such officers and employees at the rate of 55 1/2¢ per mile.

Section 2. That this resolution shall take effect immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

ATTENDANCE AT SCHOOLS AND CONFERENCES

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board authorize municipal officials and employees to attend schools, conferences, seminars, etc. conducted for the benefit of the local government.

WHEREAS there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) various other State and County association meetings and training sessions appropriate for municipal officials and employees; and

WHEREAS it is determined by the Board of Trustees that attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the Village;

NOW THEREFORE BE IT RESOLVED:

Section 1. The Village officials and employees are hereby eligible to attend appropriate training seminars and conferences subject to advance notice being given to the Village Office, and to prior approval from the Board of Trustees when the total expense exceeds \$150 per person or \$300 in the aggregate.

Section 2. That this resolution shall take effect immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

DESIGNATION OF DEPOSITORIES

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board adopt a resolution of the official Village bank(s) and/or trust companies for the deposit of all moneys received by the treasurer, clerk, and receiver who is designated and appointed as Village receiver.

WHEREAS the Board of Trustees has determined that Village Law §4-412(3)(2) requires the designation of banks or trust companies for the deposit of all Village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees does hereby designate the following institutions as depositories of all moneys received by the village treasurer, clerk, and receiver of taxes – namely, J.P.Morgan Chase Bank , Provident Bank and M&T Bank.

Section 2. That this resolution shall take effect immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

VILLAGE E-MAIL POLICY

A motion was made by Mayor Wilson, seconded by Trustee Kilduff that the Board a adopt a resolution to approve the following e-mail policy for all Village Employees, Board Members, Committee Members, and Volunteers who Conduct official Village business to include:

- 1) An annual Compliance Review required for all Village e-mail address holders.
- 2) In accordance with the spirit of the Open Meetings Law, no e-mails can be exchanged between more than (2) Village Board Members at any time; unless the e-mail concerns legal matters.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

VILLAGE ELECTION VOTING HOURS

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board designate Village Election Day voting hours be from 7:00 a.m. to 9:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

RULES OF PROCEEDURE

A motion was made by Mayor Wilson, seconded by Trustee Kilduff that the Board approve the following Rules of Procedure for meetings:

1. *General:* The Mayor shall preside at all Board of Trustee meetings. In the Mayor's absence the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board. Board members must be recognized by the presiding officer before making motions and speaking. All motions require a second. A member, once recognized, shall be allowed to speak unless it is necessary to call him/her to order. Motions to limit or close debate may be entertained but shall require a majority vote by those Trustees present.

2. *Regular Meetings:* The Board of Trustees shall hold regular meetings on the 4th Tuesday of each month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the Village Hall. The Board of Trustees may determine any change to the foregoing.

3. *Special Meetings:* Special meetings of the Board of Trustees are all those Board meetings other than regular meetings. The Mayor or any two Trustees upon notice to the entire Board may call a special meeting. Notice among the Trustees and Village Clerk(s) shall be given by

telephone, in person, or in writing at least 24 hours in advance unless an emergency exists. The Mayor or Deputy Mayor must be present and vote, but if they are linked into the meeting telephonically or electronically by some other electronic means, then they shall not be entitled to vote.

4. *Quorum:* The Mayor or Deputy Mayor shall preside at all meetings. A majority of the Board constitutes a quorum for the transaction of business. A quorum of the five-member Board of Trustees shall be three. In the absence of a quorum, a lesser number may only adjourn and compel the attendance of absent members.

5. *Executive Sessions:* Executive sessions shall be held in accordance with the NYS Public Officers Law §105. All executive sessions shall be commenced in a public meeting.

6. *Agendas:* An agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any two Trustees may have an item placed on the agenda for regular meetings. Agenda items shall be given to the Clerk at least 24 hours before the meeting. Items may be placed on the agenda at anytime by the Mayor, including during the meeting. If possible the agenda shall be prepared by noon on the day of the meeting. If necessary a supplemental agenda shall be distributed at the beginning of the meeting.

7. *Voting:* Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized

voting power is necessary to pass a matter unless otherwise specified by State law. A vote upon any question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes.

8. *Minutes*: Minutes shall be taken by the Clerk or Secretary. Minutes shall consist of a record of all motions, proposals, resolutions and any other matter formally voted upon by the Board and the vote thereon. A copy of any written resolutions or other prepared written material used to support an action of the Board must be given to the Clerk during the meeting or as soon as practicable thereafter.

Minutes shall not be taken at executive session unless an action is taken or a motion is made by a formal Board vote, in which event a record or summary shall be made of the final determination of such action or motion, and the date and vote thereon; provided, however, that such summary or record need not include any information which is not required to be made public by the NYS Freedom of Information Law.

Minutes shall also include the following: name of the board; date, place and time of meeting; notation of presence or absence of board members and time of arrival or departure if different from time of call to order and adjournment; name and title of other Village officials and employees present and the approximate number of attendees; record of communications presented to the Board; record of reports made by board or other Village personnel; time of adjournment; and signature of clerk or person who took the minutes if not the clerk.

Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board shall resolve to have the Clerk do so. Minutes shall be approved by a majority vote at the next board meeting or as soon as

reasonably practicable. Amendments to the minutes shall also require the approval by a majority vote by the Board.

9. *Order Of Business*: Subject to the discretion of the Mayor, the normal order for the agenda in a regular Board meeting is:

- Call to order
- Pledge of Allegiance
- Reports of officers and committees
- Approval of Building Permits
- Public Comment Period (Optional)
- Public Hearing
- New Business
- Unfinished (Old) Business
- Approval of Minutes
- Audit of Claims
- Adjournment

Note: Public Hearings must be noticed in advance, may be scheduled during regular or special meetings, and may be moved forward within the normal order of the agenda .

10. *Guidelines for Public Comment:* The Mayor shall determine if the public will be granted an opportunity to speak at any particular Board meeting, unless a majority of the Board decides otherwise. If the public is granted an opportunity to speak at a Board meeting, then they must do so in a respectful manner, limit their remarks to Village business, and must address all comments directly to the Mayor. The Mayor or Board may reasonably restrict the length of time for public comment, both collectively for all speakers and for each individual speaker.

11. *Guidelines for Use of Recording Equipment:* All members of the public and all public officials are allowed to record public meetings in an unobtrusive manner as determined by the Mayor. Recording is not allowed during executive sessions.

12. *Guidelines for Use of Handheld Electronic Devices (i.e., iPhones, Android, Blackberry, iPad, and any other cell phone or tablet device):* During Public Meetings, all members of the public and all public officials are encouraged to use handheld electronic devices in an unobtrusive manner, as determined by the Mayor. Use of handheld electronic devices during Public Meetings by Board Members is strongly discouraged, unless the device is used for official Village business.

13. *Adjournment:* Meetings shall be adjourned by motion.

14. *Amendments to the Rules of Procedure:* The foregoing procedures may be amended from time to time at the request of the Mayor or a Trustee if approved by a majority vote of the Board.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

TRUSTEE ROLES AND PROJECTS

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the following list of roles and terms for the Trustees.

Note: Trustee roles, appointments and terms can be modified throughout the year by majority vote of the Trustees.

<u>TRUSTEE</u>	<u>ROLES</u>	<u>TERM</u>
Mayor Wilson	Administration	One Year
Deputy Mayor du Pont	Budget & Finance	One Year
	Water Dept.	One Year
	Police Department	One Year
	Insurance & Risk Management	One Year

Trustee Neuhauser	DPW Operations & Projects Building Department	One Year One Year
Trustee Heywood	TBD	
Trustee Kilduff	TBD	

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

ADVISORY COMMITTEE TRUSTEE LIASON ROLE

A motion was made by Mayor Wilson, seconded by Trustee Kilduff that the Board approve the following list of Advisory Committee appointments, Trustee liaison roles and terms for the Committee and Chair.

<u>TRUSTEE</u>	<u>ADVISORY COMMITTEE & CHAIRS</u>	<u>TERM</u>
Mayor Wilson	<u>Environmental Advisory Committee</u> Susan Goodfellow, Chair	One Year
	<u>Technology & Telecommunications Committee</u> Claudio Guazzoni de Zanetti, Chair	One Year
Deputy Mayor du Pont	<u>Board of Zoning Appeals</u> Gary Glynn, Chair	One Year
	<u>Infrastructure Advisory Committee</u> Jake Lindsay, Chair Weston & Sampson Jeff Voss, Superintendent of DPW	One Year
	<u>Fire, Safety & Emergency Advisory Committee</u> Gardiner Hempel, Chair	One Year
Trustee Neuhauser	<u>Board of Architectural Review</u> Paola Tocci, Chair	One Year
	<u>Public Health Committee</u> Cami Fischer, Chair	One Year
	<u>Communications Committee</u> TBD, Chair	One Year

Trustee Heywood	<u>Village Improvement Advisory Committee</u> Michele Lindsay, Chair	One Year
	<u>Town Liaison</u>	
	<u>Tuxedo Union Free School District Liaison</u>	
	<u>Planning Board</u> JoAnn Hanson, Chair	One Year
Trustee Kilduff	<u>Infrastructure Advisory Committee</u> Jake Lindsay, Chair Weston & Sampson Jeff Voss, Superintendent of DPW	One Year
	<u>Fire, Safety & Emergency Advisory Committee</u> Gardiner Hempel, Chair	One Year

Notes: 1) Trustee appointments, liaison roles and terms can be modified throughout the year by majority vote of the Trustees, 2) Advisory Committees are requested to meet and to report to the Board of Trustees at least once per annum and upon request, and 3) New members are welcome. Please contact the committee chair and/or Trustee liaison to express your interest in filling an open position.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board adjourn to executive session at 7:07 p.m. to discuss the revised draft of the Police Chief's Employment Agreement. The vote was 5-0 in favor.

ADJOURNMENT

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that Executive Session be closed and the meeting be adjourned at 7:35 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Clerk-Treasurer