

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
DECEMBER 20, 2017
7:00 P.M.**

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

Clerk: Deborah A. Matthews

Also: Jeff Voss, John Ledwith, Chief Melchiorre, Brian Nugent, Esq., Meg Vaught, Chiu Yin Hempel, Mary Graetzer, Tom Salierno, Audrey Perry, Marc Citrin, Sheila Tralins, Peter Regna, Gardiner Hempel, Lili Neuhauser, Dena Steele, Jim Hayes, JoAnn Hanson, Ellen Gluck, and others.

Mayor McFadden called the meeting to order and made a motion, seconded by Trustee Moon that the meeting be open at 7:00 p.m. The vote was 5-0 in favor.

Mayor McFadden led the Pledge of Allegiance.

Mayor's Comments

Mayor McFadden welcomed everyone and wished them Happy Holidays. He thanked Christopher Gow for hanging the pictures in the Village Hall that were donated by the family of the late Sam Bornstein. He also thanked Chauncie Rodzianko and Lili Neuhauser for helping to get holiday lights put up around the front gate area, and Michael Bruno for offering to fund the decorations and having them installed.

The Village is aware of the Town's interest in becoming a Village and has asked that the Town Attorney contact our Village Attorney to discuss and report back to the Village.

Police Report

Chief Melchiorre gave a synopsis of November Police activities. Mayor McFadden thanked the Chief and his department for their role in the apprehension of the person behind a rash of automobile break-ins this past fall.

Meg Vaught inquired as to why she was asked so many personal questions when she was stopped for speeding in the Village. Chief Melchiorre responded that such questions are asked for the safety of all residents. If a resident feels the questions are too intense, he should be contacted.

DPW Report

Superintendent Voss reported that a violation from the O.C. Health Department was received which pertained to high levels of total organic carbon found in water samples. Because the level should be 1, but in September it was .97, the Village is required to notify all water customers of the violation. However, according to the Health Department, no further testing is required and the water is safe to drink. When Mr. Voss was asked, he responded that the cause could be the age of the filters at the water plant. He has spoken to the Village Engineer and is scheduling a meeting for them to come and look at the water plant.

The DPW has also been picking up leaves throughout the Village and working with Nelson Tree Service, contractor for O&R, removing hazardous trees in the Village. The DPW has also been repairing water leaks and will be replacing the regulator in the Town within the next two weeks. Unfortunately, these projects are not eligible for grants.

Mayor McFadden, following Mr. Voss's comment about the road lines painted in the Village, inquired about the condition of the lines coming into the Village off of Route 17. Mr. Voss stated that he is aware and will be addressing this issue.

Building Report

Mr. Ledwith gave a synopsis of his monthly report which included: 1) issued a stop work to the Tuxedo Club for a gravel walkway, and in turn received a building permit application, comments from the Village Engineer, and scheduled the Tuxedo Club to appear before the BAR on 12/19/17; 2) approved removal of dead trees on the Tuxedo Club property; 3) participated in biweekly dam meetings; 4) contacted Donald Hanson's contractor to have a dumpster removed which was close to the road intersection, and the contractor complied; 5) obtained bids for maintenance/repair of the Ridge Road and the Potuckit Road water storage tanks; 6) due to the condition of the water plant and the DPW shop boilers, he met with plumbing companies to obtain estimates on servicing the existing boilers and estimates for new units; and 7) conducted various inspections for ongoing projects.

Potential Verizon Tower

Mr. Ledwith reported that he met with several technical staff regarding the installation of a micro tower near the Ridge Road water tanks. A draft site plan was submitted showing a possible location that would not interfere with the water tanks. The proposed tower would not be located on the water tanks, but on a pole higher than the tanks, about 90' tall.

Other Reports

Dam Construction – Deputy Mayor McHugh reported that the dam project is 75% complete and on budget, and there have been no safety issues. There were a couple of overages to date and a request from CHA for additional inspection services. Total of overages and CHA is \$144,000, which is within the budget allocation of \$220,000 for overages. The contractor remains confident that the project will be finished in March.

In addition, the contractor discovered some fallen rocks under the Pond #3/Wee Wah bridge. A bridge engineer will be brought in and the DEC consulted to determine whether any remediation needs to be done.

Approve CHA's Request for EWA No. 7

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve CHA's request for Extra Work Authorization (EWA) No. 7 for continued construction inspection services related to the Wee Wah Lake and Pond No. 3 Dam rehabilitations in the amount of \$54,000.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Traffic Booth

Mayor McFadden stated that the cost estimate received in September for a booth was \$200,000 which is over the allocated budget. To lower the cost of a booth, the design could be changed, find additional funding within the general fund budget, or raise money via donations. The Village Board must assure everyone that the project is affordable before commencing any work.

A brief discussion was held.

Update on Accountant's and Comptrollers Audits

Deputy Mayor McHugh reported that he and Trustee Barnett will be meeting tomorrow (12/21/17) with the Village's accountant, who submitted a 69-page draft of the Village's YE 5/31/17 financial statement.

The state auditor is no longer working on site but is working remotely. When her report is finished, she will give an informal presentation to the Mayor prior to a formal report submission to the Board. There are four main issues: the Water Department, segregation of duties, the Village Procurement Policy, and the IT issues.

Mayor McFadden stated that the Village has already been able to get a head start on remediating some of the issues.

Trustee Barnett commented that when he was appointed to the Board, he was asked to review the Village finances. He feels that the 69-page financial statement of the accountant is difficult to comprehend. His goal is to make the financials more comprehensible which will allow the Trustees to better do their job.

Tree Advisory Board Update

Chiu Yin Hempel gave a synopsis of her report presented to the Trustees which included: 1) Race Track donations received to date are \$221,700; 2) expenses to date are \$21,000 for Phase I;

3) fundraising is ongoing; 4) the TAB budget for 2017-2018 is \$4,000; and 5) request to appoint members.

A brief discussion was held.

Appoint Tree Advisory Board Members

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that Christopher Gow be reappointed to the Tree Advisory Board for an additional two-year term and that Jill Swirbul be appointed to a new two-year term.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Public Comments

- *If the Town becomes a Village, what would Tuxedo Park become village of?
- *A presentation was given on December 11th in the Town on this subject.
- *Consolidation was done in other municipalities to avoid a reorganization of the town.
- *The Village Police need to take a more active role in the community by interacting with residents and patrolling more.
- *What is the completion date of the dam and will it include work at the waterfall and from Pond #3 under the road.
- *What are the controllable costs of the booth?
- *Ask people to clean up after their dogs.
- *Can 2018 property taxes be prepaid in December 2017?

In reference to prepayment of taxes, Attorney Nugent responded that the County tax warrant is dated December 27th and residents can pay that tax until December 31st. The Village and School cannot be prepaid as their tax warrants aren't issued until their budget process is complete. Even if held in escrow, the money wouldn't be applied to taxes.

New South Gate Policy

Because there have been instances where the South Gate has been inoperable for a length of time, Chief Melchiorre stated that going forward, if the gate is down for more than 20 minutes, an officer will be assigned there. The gate will be fixed as quickly as possible.

Update on Village Reassessment

Trustee Moon reported that he has obtained the email addresses for all the assessors in Orange County, and an RFP for a part time assessor will be forwarded to each, as well as to Kathy Norris who had asked for an RFP. He will report next month on the progress for a reassessment of the entire Village.

AirBnB's

Trustee Moon stated that a streamlined version of the prior draft on AirBnB's was given to Trustee Gluck for review. It was found that the draft has already passed constitutional challenges. The draft will be forwarded to Attorney Nugent for the next BOT meeting.

Orange County Tax Exemption – Water Facility Located in the Town

A motion was made by Trustee McFadden, seconded by Deputy Mayor McHugh that the Village of Tuxedo Park requests from the County of Orange, the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Tax Map No. 13-3-12 (15' x 20' parcel located on Mountain Road) for the year 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Appointment of Board of Zoning Appeals Members

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the Mayor's appointment of Village resident Houston Stebbins as a member of the Board of Zoning Appeals to fill Gary Glynn's unexpired term of 7/2013-6/30/2018.

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 Board of Trustees approve the Mayor's appointment of Village resident Gerard Pompan as a member of the Board of Zoning Appeals to fill Jonathan Whitney's unexpired term of 7/2016-6/30/2021.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Approve Renewal of CodeRed System

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the renewal of the CodeRed system for the Village of Tuxedo Park for a period of one year, expiring November 9, 2018 at the current annual rate of \$3,020 and that the Police Department will make the announcements only in an emergency.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

It was noted that residents will have the opportunity to opt out if they wish.

Authorize Signing Agreement Regarding Bequest of Estate of Alexander Salm

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees authorize the Mayor to sign the receipt, release and refunding agreement concerning a bequest to the Village of Tuxedo Park from the Estate of Henry Alexander Salm as stated in the following resolution:

WHEREAS, Henry Alexander Salm (the “Decedent”), a resident of Orange County, New York, died on November 14, 2016, leaving a Last Will and Testament dated April 3, 2016 (the “Will”); and

WHEREAS, the Decedent’s Will was duly admitted to probate in the Surrogate’s Court of Orange County, New York on February 24, 2017, and HUME R. STEYER (the “Executor”) as duly appointed as Executor of the Will on that date, and he continues to act in that capacity; and

WHEREAS, the Executor has presented to the Village, for execution, the attached Receipt, Release and Refunding Agreement (“Agreement”) concerning the monies to be released to the Village.

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 Village Board hereby authorizes the Mayor to execute the annexed Agreement.

Section 3. The Village Clerk is directed to deliver the executed Agreement via Certified Mail/Return Receipt Requested to the Executor.

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.

New IT Consultant

A discussion was held regarding the need for upgrades to the information systems and computer hardware at the Village Office and the Police Department. Mayor McFadden and Trustee Gluck met with the IT Consultants from the Town of New Windsor and were impressed with the services that they can provide through an Intermunicipal Agreement with the Village. Expenses will be covered from excess budgeted funds in the retirement system category of the current year budget.

A motion was made by Mayor McFadden, seconded by Deputy McHugh that the Board of Trustees approve the Inter-Municipal Agreement between the Village of Tuxedo Park and the Town of New Windsor for Providing Cooperative Information Technology Services on an as needed basis at the hourly rates specified in their proposal, in a form acceptable to Village legal counsel, and further that the Mayor is authorized to spend up to \$15,000 for information technology upgrades with the framework provided in the cost estimates.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Audit of Claims

Bills in the amount of \$137,108.96 in the General Fund, claim numbers 12-1 to 12-117; \$21,908.56 in the Water Fund, claim numbers W12-1 to W12-16; and \$383,481.40 in Capital Projects, claim numbers CP12-1 to CP12-2 be audited and ordered paid.

Approve Minutes

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the November 15, 2017 Board of Trustees meeting be approved.

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 McFadden, seconded by Deputy Mayor McHugh that the Board adjourn to executive session at 8:26 p.m. for the purpose of a discussion of seasonal water department revenues, pending litigation, and collective bargaining negotiations.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Exit Executive Session and Reopen Regular Session

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board exit executive session at 9:23 p.m. and reopen the regular meeting.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

MOA-Police

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board of Trustees approve the Memorandum of Agreement between the Village of Tuxedo Park Police Benevolent Association and the Village of Tuxedo Park, as presented, and authorize the Mayor and any Trustee to execute such Agreement, and thereafter execute a collective bargaining agreement incorporating the terms of the Memorandum of Agreement.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Adjournment

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the meeting be adjourned at 9:25 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer