

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES REGULAR MEETING  
SEPTEMBER 17, 2018  
7:00 P.M.**

Present: Mayor David McFadden  
Deputy Mayor Alan McHugh  
Trustee Allen Barnett  
Trustee Maureen Coen  
Trustee Paul Gluck

Clerk Deborah A. Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Jeff Voss, Chief Melchiorre, Meg Vaught, Joan Alleman, Michele Lindsay, Tom Salierno, Jim Hays et al.

Mayor McFadden called the meeting to order at 7:00 p.m. Roll call was taken and Mayor McFadden led the Pledge of Allegiance.

**Department Reports**

**Police** – Chief Melchiorre gave a synopsis of August Police activities. A brief discussion was held regarding speeding vehicles and there being more traffic due to the opening of the schools.

**DPW** – Jeff Voss expressed his gratitude for the donation from the Salm Estate which funded the purchase of a wood chipper. The crew has been repairing catch basins, clearing brush along the causeway, and cutting dead trees throughout the Village. Work is also being done on refurbishing the second water filter at the water plant.

**Capital and Building Report** – John Ledwith gave a synopsis of his monthly report which included: Village Code violations and letters sent to homeowners, inspections of various ongoing projects, and title searches for certificates of occupancies. Continuing capital improvements include: Ridge Road water storage tank, water plant filters, low lift pump repair, sewer plant water recycling, Continental Road paving, and water leaks.

**Village Attorney Report** – Attorney Nugent reported that there have been no substantial changes in litigation matters since the report he provided at the August meeting. Mr. Zgonena remains a plaintiff in the suit filed by Guazzoni & Zgonena. (It had been determined that Mr. Guazzoni has no standing.) There is also the federal court litigation by Zgonena against the Village which his office is not handling. In response to the question on legal costs, Mr. Nugent stated that to date Guazzoni & Zgonena vs. the Village has cost the Village about \$9,000 and Guinchard vs. the Village about \$5,000.

**Committee Reports**

*Lakes Committee:* Chair Jim Hays reported that over the summer the committee had gone around Tuxedo Lake several times and created sketch maps of the Milfoil concentration. Mr. Hays has been in touch with SUNY Oneonta regarding the possible use of a graduate student to help with the lakes effort. To retain a student, the Village would need to contribute \$2,500 to the school. A discussion followed. It was agreed that the Trustees require more information regarding the student program.

**Report by Town Board Member or Trustee Liaison**

Michele Lindsay reported that on September 5th the Town Attorney gave an informational community session to discuss the Town/Village consolidation proposal which needs to be citizen driven. He provided a Q&A sheet to assist those becoming involved. There are actually two proposals: the creation of a new Village (20% by petition of the people) and the consolidation of the Town (10% of residents). If approved, the intent is that the Village/Town relationship would remain basically the same as they are now. The main difference is that another new Village could not be formed within Tuxedo, and the town would have the same power that the village has to regulate or prohibit petroleum pipelines.

**Public Comments** - None

**NEW BUSINESS****Garbage Contract**

Trustee Barnett reported that the current garbage/recycling contract with Sterling Carting is up for renewal by December 1<sup>st</sup> and the Board may want to consider bidding for a new carrier. Currently, the major haulers in the areas are Interstate Waste and Sterling Carting. He is meeting with the President of Sterling tomorrow. He is also scheduling a tour of the recycling facility for Trustee Gluck and himself. A discussion was held.

**Finances**

Trustee Barnett distributed the Village General Fund budget for the period June 1, 2018 through August 31, 2018. He has had the budget reformatted into consolidated categories for the purpose of better educating the public with regard to the Village finances. He is hoping to get feedback and advice based on this new report format and to report the financials to the public on a quarterly basis. Also discussed was the importance of infrastructure maintenance and a long-term plan. A discussion was held.

**Village Fine Schedule**

Deputy Mayor McHugh noted that there are a number of properties in the Village that are being issued summons by the building inspector to appear in Village Court for property maintenance issues. It has been recommended the Village establish a sliding scale for such penalties. Currently, the Village Code penalty stated is \$250 per day. A discussion was held.

**Generator Bid**

Trustee McHugh noted that the 100kw generator donated to the Village by the Dow's was declared surplus and put out to bid. Two Village residents who had expressed interest were notified. No bids were received.

**Public Comments**

Topics included: Is there a projected cost for repairing retaining walls that are holding up the roads? Who owns them and who is responsible for fixing the walls? Congratulations to the Board for the new meeting room benches (purchased on a court grant).

**OLD BUSINESS****Trustee McHugh reported:**

*Lakes:* The Village is continuing to participate in CSLAP. Six samples have been completed and he is hoping to have eight by the deadline date of October 4<sup>th</sup>. A Phragmites survey will be done the week of October 1<sup>st</sup> and Tuxedo Lake and the Wee Wah will be surveyed the week of September 29<sup>th</sup> by Solitude Lake Management.

*Wee Wah Dam:* The knife gate valve on the spillway continues to be a problem as it is not operable from the top of the spillway. The valve problem and other issues with the contractor remain unresolved, including claims for substantial additional costs. The total project is 98% complete and some of the remaining items will be done in-house.

**Trustee Coen reported:**

*IMA:* She and the Board have been working with the Town Board and the School Board to provide a uniformed Village Police Officer. However, because of issues with a potential action by the police union, the Town Board will not go forward. Therefore, the school has signed a contract with the Orange County Sheriff's Department.

*Wildlife:* She has spoken with the Chief and Sgt. Taback regarding the Police Department protocol regarding the shooting of foxes. Upon receipt of additional information from the DEC, Cornell Cooperative Extension, Orange County Health Department, and Rockland County, another meeting will be scheduled with the Chief to discuss.

**Approval of Minutes**

A motion was made by Mayor McFadden, seconded by Trustee Coen that the minutes of the August 15, 2018 Board of Trustees regular 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 Trustee Barnett that the minutes of the August 17, 2018 Board of Trustees special 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 Trustee Barnett that the minutes of the September 5, 2018 Board of Trustees special 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 Trustee Gluck that the minutes of the September 7, 2018 Board of Trustees special 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 Trustee Coen that the minutes of the September 11, 2018 Board of Trustees special meeting be approved.

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 \$459,481.00 in the General Fund, claim numbers 9-1 to 9-114, \$156,326.88 in the Water Fund, claim numbers W9-1 to W9-14, \$47,068.35 in Capital Projects, claim number CP9-1 to CP9-5, and \$13,473.95 in Professional Fees, claim numbers PF9-1 to PF9-11 be approved and ordered paid.

### **Adjourn to Executive Session**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board adjourn to executive session at 8:55 p.m. for the purpose of discussing the employment of a particular person and potential litigation.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

### **Adjourn Executive Session and Re-open Regular Session**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board exit executive session and re-open regular session at 10:15 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Approve Separation Agreement**

A motion was made by Trustee Gluck, seconded by Trustee Barnett that the Board authorize the Mayor to sign a confidential separation agreement with respect to a part time Police Officer.

Vote of the Board: 5 ayes, 0 ayes

The motion was passed by a 5-0 vote.

**Adjournment**

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the meeting be adjourned at 10:16 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer