

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

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

Absent: Trustee Allen Barnett

Clerk Deborah A. Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Jeff Voss, Chief Melchiorre, Meg Vaught, Jack & Audrey Perry, Ellen Gluck, Tom Salierno, Christopher Gow, Father Richard Robyn, Jim Hays, Mary Graetzer, Gardiner Hempel, et al.

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

Mayor's Comments

Traffic Booth

- *Do another survey for the traffic booth.
- *Guestimates for a pre-fab shell, and other components such as bullet proof drawer, bullet proof window, carpentry, electric, etc. may be within reach.
- *Would make John Ledwith project manager.
- *Tinka Shaw has donation pledges of \$65K.

Garbage Contract

- *Current contract with Sterling Carting will expire at the end of November.
- *Everyone generally pleased with Sterling's service.
- *He will contact other vendors to obtain an estimate for comparison to our current contract.
- *We will wait on whether to request an extension of the contract with Sterling for another year.

Department Reports

DPW – Jeff Voss reported that bi-weekly staff meetings with two board members are being held.

Capital Projects: the leak detection problem is being looked into, the second Ridge Road water tank will be worked on October 22nd, a water meter in the Town will be replaced, the sewer plant water recycling project is continuing, a new riding lawn mower purchase needs BOT approval as well as the refurbishment of a DPW dump truck. Paving will be done on Wee Wah Road this week. Continental Road reclamation will be done next week and will take 2-3 days. A catch

basin and drainage will be put in on Wee Wah Road near the dam to prevent further erosion. The second water filter at the water plant is close to being up and running.

Capital/Building

John Ledwith reported: Two property sales during the month, violation notices and court appearances issued to four property owners, the South Gate house exterior is being painted, construction signs around the Village have been removed and the contractors called, inspections performed on various projects, a new boiler for the water plant has been ordered and will be installed at the end of November.

Police – Chief Melchiorre gave a synopsis of September Police activities and requested permission to hire a new part time Police Officer. Mayor McFadden stated that he interviewed the candidate and supports the Chief's recommendation.

Appointment of Part Time Officer

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board approve the appointment of Kevin F. Ambrose as a part time Police Officer, subject to his passing all background checks, at the hourly rate of \$24.50.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

IMA with County of Orange Department of Emergency Services

A motion was made by Trustee Coen, seconded by Trustee Gluck that the Board of Trustees authorize the Mayor to sign, in a form acceptable to legal counsel, the Inter-Municipal Agreement (IMA) between the Village of Tuxedo Park and the County of Orange Department of Emergency Services, to provide two Panasonic Toughbook Laptops to the Village of Tuxedo Park Police Department to support 911 Mobile CAD and LRMS services to the Village's patrol units in the field that are equipped with County AVL/GPS.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Village Attorney Report

Attorney Nugent reported:

*Guazzoni & Zgonena vs. VTP – Discovery is in progress. Current billing to the Village is approximately \$10,000.

*Guinchard vs. VTP – Counsel has proposed a settlement that will be discussed in executive session. Current billing to the Village is approximately \$6,700.

*People vs. Zgonena – fully submitted and awaiting a decision. No additional costs.

*Madden vs VTP – A motion to reargue was denied on September 12. Notice of appeal is still pending. Current billing to the Village is approximately \$12,000.

*Cosmetica vs. Jennifer Billiu – In the process of scheduling a deposition for Sgt. Taback. Current billing to the Village is approximately \$1,200.

Committee Reports

TAB

Christopher Gow reported that the battle is being won at the Race Track against invasives and received the ‘green light’ from Larry Weiner & Assoc. to begin live planting. To date they have planted 706 native plants mainly near the southern entrance. For the third year in a row the DEC will be donating native shrubs and saplings to the Village as part of the program that encourages municipalities to be good stewards of their land (Trees for Tributaries).

Lakes

Jim Hays informed the Board that a graduate student from Oneonta would be in the Village to perform a bathometric survey of Tuxedo Lake later this month. She will need to spend 6 hours in total on the lake to complete the survey and the committee has made arrangements for this. In regard to questions about the proposed fish study, Mr. Hays presented the Board with a copy of a letter, written by an Oneonta professor including estimates for the study.

Deputy Mayor McHugh noted that the Village was in the process of a phragmites survey. A plant survey of Wee Wah Lake and Pond #3 was conducted at the end of September and the Village is awaiting the results. The CSLAPS program has been concluded for the season, with the Village completing 7 out of 8 samplings.

Oneonta-Lakes Program

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Village obtain the services of Oneonta State University for its Lakes Management Program at a cost of \$2,500 plus an additional \$3,608 for a fish survey subject to obtaining any quotations required by the Village Procurement Policy.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Report by Town Board Member or Trustee Liaison

Town Supervisor Mike Rost reported that a lot of time has been spent on the budget with a 1.02% tax cap to work with and confident they will be beneath that. He is confident the Town will be financially out of the hole next year, doing it in four years instead of five. The mulch pile has been cleaned up and the facility is operating properly. The dirt is clean and is being moved out. In regard to Tuxedo Farms, the developer maintains the future of the public school is an issue.

In regard to the Police Department, Supervisor Rost stated that there is now currently sporadic overnight coverage by Town part time Police Officers.

Public Comments - None

NEW BUSINESS**Appointment to Board of Architectural Review**

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees appoint Christopher Gow, 182 West Lake Road, as a member of the Board of Architectural Review to fill the unexpired five-year term of Julia Simet, which expires 6/30/2020.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Appointment to Tree Advisory Board

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees appoint Father Rick Robyn, St. Mary's Episcopal Church, as a member of the Village's Tree Advisory Board.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Purchase of Kubota Zero Turning Radius Riding Lawn Mower

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees authorize the DPW purchase of a Kubota zero turning radius riding lawn mower, Model ZG327PA-60, from Westchester Tractor, Inc., under NYS Bid Contract PC# 67693, in the amount of \$9,622.32, which will be funded from the restricted donation of the Alexander Salm Estate.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve Refurbishing of DPW Truck

A motion was made by Deputy Mayor McHugh, seconded by Trustee Coen that the Board of Trustees approve the refurbishing of the DPW 2011 International dump truck by Painting & Sandblasting, Inc., Suffern, NY, to include sandblasting of the cab, body and frame, prime coat painting, and finish coat painting in the amount not to exceed \$4,800, the lowest of three quotes received.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Employee Manual

Mayor McFadden stated that the Village needs to update its Employee Manual. PayChex has been contacted to provide a quote on the cost for them to do it. Trustee Gluck suggested obtaining manuals from nearby municipalities to use as a template. Attorney Nugent stated that his firm also has templates that can be used.

Adopt Sexual Harassment Policy

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board adopt the resolution that is before the Board regarding the sexual harassment policy of the Village and that the Mayor be authorized to schedule the required sexual harassment training for all Village employees and officials in accordance with the New York State Prevention of Sexual Harassment Law:

WHEREAS, the Village of Tuxedo Park (“Village”) currently has a Sexual Harassment Policy set forth in the Village’s Employee Handbook; and

WHEREAS, on April 12, 2018, Governor Andrew Cuomo amended the New York State Prevention of Sexual Harassment Law as part of signing into law the 2019 New York State Budget; and

WHEREAS, the newly amended Prevention of Sexual Harassment Law mandates that all New York State employers, including the Village, adopt a Sexual Harassment Prevention Policy by October 9, 2018 and institute a Sexual Harassment Prevention Training Program for all employees, which must be completed by each employee by October 9, 2019 and annually thereafter; and

WHEREAS, the New York State Department of Labor, in coordination with the Division of Human Rights, has also published a Model Sexual Harassment Prevention Policy and Model Sexual Harassment Prevention Training Program for State of New York Employers to adopt; and

WHEREAS, the Village Board desires to adopt the Model Sexual Harassment Prevention Policy (as attached hereto) to replace the existing sexual harassment policy; and

WHEREAS, the Village also desires to authorize the Mayor to arrange for the required sexual harassment training program to be provided to all Village Employees and Officials by October 9, 2019, and annually thereafter.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. The Mayor or his designee is hereby directed to supply to all Village Employees and Officials a copy of the amended Village of Tuxedo Park Sexual Harassment Policy, Complaint Form and Employee Acknowledgment Form.

Section 3. The Mayor is hereby authorized to undertake the necessary steps to schedule a date and time for all Village Employees and Officials to successfully complete the new Sexual Harassment Prevention Training Program by October 9, 2019, and annually thereafter.

Section 4. All Village Employees and Officials must complete the Sexual Harassment Prevention Training Program.

Section 5. The Mayor, or any other Village official, employee or consultant at the Mayor’s direction, is hereby authorized to take any and all necessary actions to carry out the provisions of this Resolution.

Section 6. This Resolution shall take effect immediately.

RESOLVED, that Trustee Paul Gluck and Maureen Coen be appointed to constitute the Sexual Harassment Committee contemplated by the Policy.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Budget Report and Charts

Deputy Mayor McHugh announced the Village's Annual Financial Report Update Document for YE 5/31/2018 was sent to the NYS Comptroller on time as required. It will be posted on the Village website.

Wee Wah Dam

Deputy Mayor McHugh reported the dam is 98% complete. Water is running through the spillway and once levels rise six more inches, it will cascade over the auxiliary spillway. There continues to be issues with the contractor and the Village is completing four of the remaining tasks. These include: CHA EWA #12A for \$33K, Campos for capstone work for \$45K, Grout Tech for additional grouting, and Bill Mirch Stone Services for providing the capstone at \$11,688.

Approve CHA EWA #12A-Wee Wah Dam

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the request of CHA for EWA #12A (amendment to EWA #12) for the period September 28, 2018 through November 2, 2018 in an amount not to exceed \$33,000 in substantially the same format as the other approved EWAs.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve Campos EWA – Wee Wah Dam

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the proposal of Campos Stone Works, a current stone vendor for the Wee Wah Dam project, to provide additional services for the placement of the center discharge training wall capstone, excluding materials, in accordance with the plans and specifications, in the amount of \$45,000.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve Grout Tech EWA-Wee Wah Dam

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the proposal of GroutTech, Inc., a current vendor for the Wee Wah Dam project, to provide additional services for a second round of grouting in the floor of the auxiliary spillway to stop infiltration of water.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve Bill Mirch Stone Services-Wee Wah Dam

A motion was made by Deputy Mayor McHugh, seconded by Mayor McFadden that the Board of Trustees approve the proposal of Bill Mirch Stone Services, LLC for providing Natural Cleft Bluestone for the Wee Wah Dam center training discharge wall in the amount of \$11,688.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve Water Meters for Regulator Building on Nursery Road (Town of Tuxedo)

A motion was made by Trustee Coen, seconded by Deputy Mayor McHugh that the Board approve the purchase of two water meters, one 4" and one 6", for the Regulator Building on Nursery Road, not to exceed \$11,000 provided three quotes are obtained and that Deputy Mayor McHugh be authorized to confirm the order.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Amendment to Local Law to Allow Extended Hours for Residential Deliveries

Trustee Gluck stated that there have been a number of complaints from residents desiring to accept deliveries of household goods or moving into the Village regarding the restriction on the hours of 8:00 a.m. to 4:30 p.m. Monday to Friday for deliveries by vehicles with more than two axles or more than four wheels as currently stated in the Village Code. He suggests the Code be amended to allow deliveries of household goods or move ins/outs from the hours of 8:00 a.m. to 6:00 p.m. on any day.

Mayor McFadden stated that a public hearing must be held to change the law, but perhaps the same could be achieved by a modification of the current policy.

After discussion, Trustee Gluck agreed to work with the Village Attorney on a proposed policy which would address expanded hours for deliveries and move ins and outs.

Public Comments – None**Approve BOT Minutes**

A motion was made by Mayor McFadden, seconded by Trustee Coen that the minutes of the September 17, 2018 Board of Trustees Regular Monthly Meeting be approved.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Audit of Claims

Bills in the amount of \$144,542.75 in the General Fund, claim numbers 10-1 to 10-91; \$25,910.84 in the Water Fund, claim numbers W10-1 to W10-17; and \$28,943.29 in Capital Projects, claim number CP10-1 to CP10-4.

Adjourn to Executive Session

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board adjourn to executive session as 8:53 p.m. to discuss pending litigation and potential litigation.

Vote of the Board: 4 yes, 0 nays

The motion was passed by a 4-0 vote.

Exit Executive Session

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board exit executive session at 9:47 p.m. and re-open the regular meeting.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Article 78 Settlement

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Mayor or his designee be authorized to enter into a settlement agreement with respect to an Article 78 proceeding relating to parcel 105-1-49.

Vote: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

SCAR Proceedings

A motion was made by Trustee Gluck, seconded by Trustee Coen that Deputy Mayor McHugh, together with a representative of the Village, be authorized to represent the Village in connection with any pending SCAR proceedings of which the Village is a party including entering into any stipulation settlement in connection herewith.

Vote of the Board: 4 ayes 0 nays

The motion was passed by a 4-0 vote.

Tax Assessments

A brief discussion was held regarding Village assessments, Town assessments, and assessment options for the Village going forward.

Adjournment

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the meeting be adjourned at 9:55 p.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer