

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES REGULAR MEETING
NOVEMBER 14, 2018
7:00 P.M.**

Present: Mayor David McFadden (arrived 7:20 p.m.)
Deputy Mayor Alan McHugh
Trustee Maureen Coen
Trustee Paul Gluck
Trustee Allen Barnett

Clerk Deborah A. Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Jeff Voss, Chief Melchiorre, Meg Vaught, Lili Neuhauser,
Ellen Gluck, Tom Salierno, Jim Hays, Michele Lindsay, et al.

Deputy Mayor McHugh called the meeting to order at 7:04 p.m. Trustee Gluck led the Pledge of Allegiance. Roll call was taken.

Department Reports

DPW –Superintendent Voss was absent due to illness. No report was given.

Police – Chief Melchiorre gave a synopsis of October Police activities. The Chief reported that a motor vehicle accident occurred on the Tuxedo Road Causeway on October 30th with assistance provided by Officer Serrine and three Village residents in addition to the emergency services.

Resignation of Part Time Police Officer

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board accept the resignation of Part Time Police Officer Michael Coleman, effective September 24, 2018.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Capital and Building

John Ledwith reported:

Building: 1) two property maintenance issues are before the Village Justice court, 2) demolition of the structure at 30 Lorillard Road was approved by the Planning Board and BOT approval is now required as well, and plans for construction of a new home and dock are before the BAR.

Capital Projects: 1) water filter #1 on line within the week, 2) storage tank #1 has been rehabilitated, however there are minor cracks at the base in the second tank and the Village is

consulting with the engineer, 3) equipment for the sewer plant water recycling project has been received and estimates for the electrical work are being sought, 4) estimates are being sought to replace the two water meters in the regulator building in the Town, 5) the old furnace at the water plant has been replaced and estimates are being sought to replace the old radiators as well.

Attorney Nugent noted that a demolition permit requires an EAF to be filed. It goes first to the BAR and then to the BOT for approval. A non-floating dock also requires BOT approval.

Village Attorney Litigation

Attorney Nugent reported that there is no new litigation. Status of existing cases:

Guazzoni/Zgonena vs The Village: Zgonena is the only remaining plaintiff. The case is in discovery with depositions to be scheduled prior to the end of January. Cost to date to the Village is \$10,000.

Guinchard vs The Village: In regard to a SCAR settlement, it was agreed the 2018 decision of the SCAR judge would also apply to the 2017 assessment. The decision of the SCAR Judge was that there was no change in the assessment for 2018. Cost to date to the Village is \$6,900.

Cosmetica vs Jennifer Billiu: Sgt. Taback will give a deposition on November 19th. Cost to date to the Village is \$1,800.

Zgonena vs The Village: Zgonena had appealed the decision of the Village Justice regarding property violation issues. The original Judge's decision was upheld by the appellate court and fines plus penalty are due the Village by Mr. Zgonena. Cost to date to the Village is \$8,700.

Madden vs The Village: A motion to reargue was denied. Mr. Madden filed a notice to appeal. The Village must now respond to his brief. Cost to date to the Village is \$13,000.

Report by Town Board Member

Michele Lindsay reported that a public hearing will be held on Monday regarding the elimination of the Town's ARB. They are also considering reducing the planning board from 7 to 5 members. There are currently nine candidates interested in the Town's three boards. The Town/Village petitions are still circulating, which are resident led.

School Board Vote

Meg Vaught, in response to an inquiry regarding whether the school will remain open, stated that the Board of Education is set to vote on Thursday, with a snow date of Friday.

Committee Reports

Lakes: Jim Hays reported that while Princeton Hydro was in the Village on Tuesday, he obtained a quote of \$10,000 for conducting a fish survey. The rep also met with the lakes committee as well as Trustees Gluck and McHugh. Since the representative authored the 2009 Princeton Hydro report for the Village, he has reviewed the CSLAP information and various surveys conducted by Solitude Lake Management and will determine where there are currently gaps and trends. He also proposed to collect data from the three lakes and their inlets to help determine more precisely where the phosphorous and milfoil growth is coming from.

Water: Trustee Barnett explained two worksheets, one a water loss analysis for 2000-2016 and the second an annual water plant report for 2017 and 2018. The Village is still losing about 50%-55% potable water.

(RFQ) Water Leak Detection

John Ledwith reported that he has been researching various methods of leak detection. Two processes include Helium, which is expensive and would cover the 26 miles of the entire water system. The other is Data Loggers, where approximately 160 devices would be installed near the water shut-off gate boxes and hydrants.

Attorney Nugent explained that an RFQ is a Request for Qualifications and does not include prices whereas an RFP, Request for Proposal, does. The Board was in agreement that Mr. Ledwith would work with Attorney Nugent to prepare the specifications of an RFP for leak detection services to be reviewed by the Board.

Mayor's Comments

Traffic Booth Update

Design development and 85% of the working drawings are complete.

The next step is to complete the drawings, bid documents and bid package.

Go out to bid in late November.

Wants to have pricing information before polling the public.

There will be a window that opens, two transaction drawers, two intercoms (one each for cars and trucks) and be handicap accessible.

Vehicle Accident

There was a fatal car accident on the Tuxedo Road Causeway.

Two Village residents and a Police Officer dove into the water to rescue the driver, aiding the emergency response teams consisting of the Village Police Department, DPW, Tuxedo Fire Department, the Ambulance Corps and the NYSDEC.

O&R Equipment Upgrade Progress Report

15,000 feet of distribution wire will be replaced in the 2nd quarter of 2019, which should improve strength and reduce power outages during storms.

Eleven poles will be replaced and one removed.

Eleven street lights will be removed.

Smart meters will be installed in 2019.

Ongoing Trustee Projects

Mayor McFadden read a long list of on-going Village projects: Booth drawings & pricing, Wildlife Management Protocol, Shared Services Agreement follow-up, Comptrollers Report response, preparation for annual Financial Reports, Village Court, appointed Boards, water, Police, Building, DPW, Village Admin Department oversight, Capital Budget Report. Emergency Service Hazard Mitigation Plan approval, searching for grants, Dam Construction Administration, potable water loss monitoring, Village wide-performance reviews for non-union employees, Village employee manual, bi-monthly capital and DPW project meetings,

Town/Village feasibility discussions, legal case management, ongoing upkeep of Village property, oversight of water tank and water filtration renovation projects, CSLAP water management project, lakes management consultant oversight, procurement policy, working with the police on a rapid response protocol and training at TPS and interviewing the tax assessor.

Public Comments

Topics included:

Is there the possibility of deer culling this year.

There is ATV traffic in the woods near Brook Road and the Tuxedo Park School.

Trail signs

Trustee Gluck and Trustee Coen have been working on the language and design for Village border signs, not trail committee signs.

OLD BUSINESS

Extend Sterling Carting Contract for One Year

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees exercise its option under Article 2-Term, Paragraph 2.2, of our current residential garbage and recycling material collection and disposal contract with Sterling Carting, to extend the renewal of the contract for the third and final year, at a price equal to the current contract, and that the renewal will be for the period of December 1, 2018 through November 30, 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Hours for Deliveries and Moving Trucks

A discussion was held regarding the modification of the hours for delivery of household goods and moving trucks in the Village on Saturdays and Sundays. The subject was originally presented at the October meeting.

Wildlife Management Protocol

Trustee Coen stated that she has been working with Chief Melchiorre to establish a wildlife management protocol, which was borne from community concern following the shooting of several foxes last spring. They have met with the Orange County Health Department which will answer FAQ's that she and the Chief put together. The Health Department also agreed to come to the Village to hold an educational meeting.

Confirmation of Adoption of the Sexual Harassment Prevention Policy of 10/17/2018

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board adopt the following resolution confirming the adoption of the Sexual Harassment Prevention Policy as of October 17, 2018:

WHEREAS, the Village of Tuxedo Park Board of Trustees (“Village Board”) previously adopted an amended Sexual Harassment Prevention Policy as of October 17, 2018 to replace the previous Sexual Harassment Policy set forth in the Village’s Employee Handbook; and

WHEREAS, two conflicting documents were provided to the Village.

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 Village Board hereby confirms the adoption of the Sexual Harassment Prevention Policy and Acknowledge Form, attached hereto as the Village of Tuxedo Park Sexual Harassment Prevention Policy, as of October 17, 2018.

Section 3. 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 4. This Resolution shall take effect immediately.

NEW BUSINESS**Go Out to Bid on Booth Project**

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board authorize going out to bid on the booth project with a bid opening date of January 7, 2019 at 2:00 p.m. in the Village Hall.

No vote was taken. A discussion was held, and it was agreed that bid documents and drawings would be presented to the Trustees for review prior to the next BOT meeting. After review, the bid process would be scheduled.

Authorize Release Funds for Traffic Booth Drawings

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees authorize the release of \$2,800 for drawings of the traffic booth from the existing restricted booth fund.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Fyke Nature Association Request

A motion was made by Deputy Mayor McHugh, seconded by Mayor McFadden that the Board of Trustees grant permission to the Fyke Nature Association for them to do their annual

Christmas bird count in the public areas of the Village on Saturday, December 15, 2018, which will take approximately two hours, from 10:00 a.m. to 12:00 noon.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Orange County Tax Exemption – Water Facility Located in the Town

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Village of Tuxedo Park requests from the County of Orange, the annual exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Tax Map No. 13-3-12 (a 15' x 20' parcel located on Mountain Road) for the year 2020.

No vote was taken. The Board agreed to table the matter and asked John Ledwith to research which property is effected and whether there are other qualifying properties for exemption by the County.

Fontana Performance Bond Release

Attorney Nugent explained that a request was received from Joseph Fontana's attorney requesting release of the 2009 performance bond that Mr. Fontana had posted for construction of a new home. However, the check had been written by Mrs. Fontana, who is now deceased. The matter was tabled until the legal issues pertaining to Mrs. Fontana's estate are resolved.

Approve BOT Minutes

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the October 17, 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.

Audit of Claims

Bills in the amount of \$393,795.64 in the General Fund, claim numbers 11-1 to 11-104; \$36,797.66 in the Water Fund, claim numbers W11-1 to W11-16; and \$113,728.60 in Capital Projects, claim number CP11-1 to CP11-7.

Adjourn to Executive Session

A motion was made by Trustee Gluck, seconded by Trustee Coen that the Board adjourn to executive session as 8:50 p.m. to discuss pending litigation, potential litigation, the employment of a particular person, and to obtain legal advice.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Exit Executive Session

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board exit executive session at 9:50 p.m. and re-open the regular meeting.

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 Deputy Mayor McHugh that the meeting be adjourned at 9:50 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer