

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
JANUARY 23, 2019  
7:00 P.M.**

Present: Mayor David McFadden  
Deputy Mayor Alan McHugh (via FaceTime)  
Trustee Allen Barnett  
Trustee Maureen Coen  
Trustee Paul Gluck

Clerk: Deborah Matthews

Attorney: Brian Nugent, Esq.

Attendees: Chief Melchiorre, Officer Max Serrine, John Ledwith, Meg Vaught, Jim Hays, Christopher Gow, Lili Neuhauser, Michael Coleman, John Watson, Michelle Lindsay, Gardiner Hempel, Claudio Guazzoni, 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**

Mayor McFadden stated that he has been receiving estimates from contractors regarding the rebuilding of the traffic booth. The estimates are consistent with those he received in the Fall. A thumb drive containing all the documents for the booth was distributed to each of the Trustees.

**Police Report** - Chief Melchiorre gave a synopsis of December Police Activities. In regard to the telephone system in the Police department, he stated that it is an ongoing problem. There is no paging system, one line in use ties up all the lines, they can't communicate with 911 in an emergency, there is no phone in the Sergeant's office as well as other problems. He met with Trustee Gluck and the New Windsor IT consultants to discuss the issues. More information will be available at a future meeting.

***Resignation of Part Time Police Officers***

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board accept the resignation of Part Time Police Officer William Vanson, effective November 1, 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 Trustee Coen that the Board accept the resignation of Part Time Police Officer Stephen Colantonio, effective February 1, 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by 5-0 vote.

**DPW Report** – Superintendent Voss reported that new meters for the Town regulator were received but when they tried to install them, one of the main valves was not operating. A plan is being worked on so shutting off the water to the Town can be avoided. If a shutdown is required, it must occur when school is not in session. He is also compiling a list of drains needing replacement. There are two outdated turbidity meters at the water plant and one is not operating. At the bi-weekly staff meeting, it was decided to purchase two new meters from HACH Company. The cost of the two meters is \$10,800 and includes the units, a preventative maintenance agreement (4 times per year) and startups.

#### ***Approval to Purchase Two New Turbidity Meters***

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the purchase of two new turbidity meters for the water plant, including parts, warranties/maintenance agreements, and meter startups, from HACH Company at a cost not to exceed \$10,800.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

#### **Building and Capital**

John Ledwith reported the following: 1) no additional house sales in Decembers, 2) code compliance issues are before the Village Court, 3) several properties are undergoing improvements, 4) progress is being made on the heating system at the water plant, 5) final repairs are being made to the second water filter, 6) the sewer plant recycling project is temporarily on hold due to weather, and 7) leak detection options are being investigated.

#### **Trustee Reports**

***Dam:*** Deputy Mayor McHugh reported that he and Trustee Gluck have been working with McNamee and the Village engineer and it is hoped they are close to a resolution with respect to the remote operation of the knife gate valve. It is anticipated that divers will be coming in at the end of next week to resolve the issue. Also there have been issues with regard to delays and engineering costs. In regard to the approval given last month for the core drilling, a vendor was found to do the job at a lower cost and a modification to the approval is required.

#### ***Revise Vendor for Wee Wah Dam Auxiliary Spillway Capstone Dowels***

A motion was made by Mayor McFadden, seconded by Trustee Coen that the December 17, 2018 approval for performing the subsurface investigation of the Wee Wah Dam auxiliary spillway capstone for core drilling by Atlantic Testing Laboratories at a cost of \$5,000 reflect that a lower quote was subsequently received from ConCor Precision, Inc. for \$2,180 and that the work was performed by ConCor on January 4, 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

*Finance:* Trustee Barnett reported that the Village's budget reports/finances are submitted to the Trustees monthly and the finances will be reported quarterly to the public. The next quarterly report will be at the March meeting for the 3rd Quarter (December-January-February).

*Board of Assessors:* Trustee Gluck stated that the Board of Assessors will meet to finalize the 2019-2020 Tentative Assessment Roll and that a quorum is required. It was agreed that the meeting will be held on Tuesday, January 29, 2019 at 9:00 a.m. in the Village Hall. The newspaper will be notified and notices will be posted on the Village website, the bulletin boards, and the front and back gates.

**Village Attorney Litigation** - Attorney Nugent reported the following:

\**Guazzoni/Zgonena vs. The Village* – Mr. Zgonena is the only remaining plaintiff in this Federal case. There is a settlement discussion underway and things are currently in limbo. There has been no new billing on this case.

\**Guinchard vs. The Village* – This case has been concluded and discontinued.

\**Cosmetica vs. Jennifer Billiu* –The Village's role in this case is over.

\**Madden vs The Village* – This was an article 78 in which the Village prevailed and then Mr. Madden appealed. Briefs have been submitted and they are awaiting an oral argument date, which could take a year or more. The billing on this case to date is between \$17-18,000. There will be no further billing until the oral argument takes place.

**Committee Reports**

*Lakes:* Jim Hays Distributed a bathometric map of Tuxedo Lake and the committee believes that the map will be helpful as they move forward in developing a management plan for the lake. They are also in a receipt of a proposal from Princeton Hydro and will distribute this to the Board as soon as possible. The committee feels that the proposal for a study is very similar to what Princeton Hydro did back in 2009. The current estimated cost of a new study is \$69,000. The lake has changed over time and there has been an increase in Milfoil and algae blooms along with new houses in the watershed and clearing along the shoreline. Following the 2009 Princeton Hydro report, not much happened. The committee is recommending that the Board of Trustees establish a 5-10 year strategic plan, based on clearly established goals with measurable objectives.

**Report by Town Board Member**

Michele Lindsay reported: 1) the Town zoning code is being revised and residents are encouraged to go to the Town website and read the documents, 2) notices will be going out and public hearings will be held, 3) the Town has adopted the Climate Smart Certification and a task force formed, 4) the TUFSD will be assisting the Town with an energy audit of all the government buildings, creating a benchmark and completing a natural resource inventory as a bench mark for applying for grants, and 5) the Town Board cannot take the lead on the Town to Village/Consolidation, but there have been citizen groups that have formed and an informational meeting was held.

**Public Comments**

Topics included: Village Police Chief position, what is the due date of the tentative assessment roll, who is preparing the tentative assessment roll.

**OLD BUSINESS****Permits for Demolition, Clearing, and filling (Langdon Property)**

The project has been reviewed by both the Planning Board and the Board of Architectural Review. A list of recommendations were made by McGoey, Hauser & Edsall in a letter dated December 17, 2018 including an EAF review by the BAR.

*Demolition Permit*

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board of Trustees approve the demolition permit under Section 100-23 of the Village Code for the Campbell/Langdon project, Tax Map No. 104-1-40, conditioned upon review of the short form EAF by the Board of Architectural Review and the approval of the Board of Architectural Review for the demolition plan.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Clearing, Grading and Filling Permit**

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the Board of Trustees approve the clear, grade, and fill permit, under Section 40-5 of the Village Code for the Campbell/Langdon project, Tax Map No. 104-1-40, conditioned on the Board of Architectural Review approval of the clearing, grading, or filling activity and subject to compliance with the conditions set forth in the December 17, 2018 letter from Village Engineer McGoey, Hauser & Edsall including a recommendation that the permit be conditioned on strict compliance with soil erosion and sediment control practices identified on the plans prepared by Lehman & Getz Engineers, a condition requiring additional erosion and sediment control as directed by Village personnel or engineer to be included. Limits of disturbance to be clearly demarcated in the field prior to any construction activities. Trees to be preserved are to be marked with flagging such that they are not impacted by work activities and the time frame of the permit will run concurrent with the time frame of the building permit and require that the area to be vegetated within 14 days of reaching final grade and that the building inspector's confirmation that the requirements of Section 40-5 are being complied with.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**NEW BUSINESS****Employee Handbook**

Mayor McFadden stated that he had contacted PayChex for a proposal to prepare an employee handbook for the Village which was received and distributed to the Trustees. Trustee Gluck stated that he has already been working on a handbook and the draft was sent to and is being reviewed by Attorney Nugent.

**Approve CHA EWA #12B-Wee Wah Dam**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board of Trustees approve the request of CHA for EWA #12B (amendment to EWA #12) for the period November 14, 2018 through February 8, 2019 in an amount not to exceed \$39,000 in substantially the same format as the other approved EWAs.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Approve Cooper Arias Consulting Engagement**

Trustee Coen explained that the engagement up for discussion is the evaluation of the roles and responsibilities of the Village Clerk, Deputy Clerk and Clerk. Cooper Arias was asked to provide the Village with an engagement letter proposal for a number of items related to evaluating these roles and responsibilities, including segregation of duties. The Board agreed to discuss this further in executive session.

**Correction Action Plan-Comptroller Audit**

Trustee Gluck explained that the Village received the final audit report from the Comptroller's office in November 2018. The process requires that the Village address the recommendations that the Comptroller made within the report and respond by January 31, 2019. There were a total of eight recommendations dealing with segregation, procurement, issues relating to water billing, and IT. A response letter has been prepared for submittal.

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board of Trustees approve the draft Corrective Action Plan, Report of Examination 2018M-66, dated January 17, 2019, which includes input from all the Trustees and authorizes the Mayor to execute and deliver the Corrective Action Plan as requested in the Audit Report.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Water Billing Policy/Procedures**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees approve the following resolution regarding Water Department Billing Procedures:

BE IT RESOLVED that:

1. The Village Board hereby adopts the annexed Water Billing Procedures to be followed by the Village and its officers and employees for all billing for water services.
2. The Village Clerk is hereby directed to provide a copy of this resolution and the Water Billing procedures attached to be provided to the Water Department, billing clerk and any other employee with responsibilities for water billing.
3. These Water Billing Procedures may be amended by Resolution of the Village Board at any time.
4. In the event that a matter arises concerning water billing that is not specifically addressed in the attached procedures, the Village Mayor may take appropriate action to address such matter and may propose an amendment to the Water Billing Procedures, as necessary for future purposes.
5. The maximum for two Trustees to approve is \$250.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (McFadden)

The motion was passed by a 4-0-1 vote.

### **Breach Notification Policy**

Attorney Nugent explained that the Information Security Breach and Notification Act, State Technology Law, Section 108 added by Chapters 442 and 491 of the laws of 2005 requires municipalities to establish a procedure in the event that an individual's private information has been acquired from Village records without valid authorization and to alert an individual to any potential identify theft. A policy was prepared by Attorney Nugent and Trustee Gluck and circulated to the Board for their review.

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees approve the Information and Security Breach Notification Policy for the Village of Tuxedo Park as presented to the Board of Trustees at this meeting.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

### **Policies on Segregation of Duties and Procurement**

These were tabled for discussion in executive session.

### **Grievance Day – Board of Assessment Review**

A motion was made by Mayor McFadden, seconded by Trustee Coen that as designated by the State of New York, Grievance Day for real property assessments in the Village of Tuxedo Park will be held on the third Tuesday in February, February 19, 2019 in the Village Hall from 5:00 p.m. through 9:00 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

### **Public Comments**

Topics Included: High turnover of part time police officers, cost of full time officers vs part time officers, couldn't board meetings be held on Saturdays to accommodate more residents.

### **NEW BUSINESS - Continued**

#### **Planning Board Request for GIS Data**

Trustee Gluck explained that in connection with the review of current projects, the Planning Board felt it would be helpful to have the Village's public sewer system and private lines laid out in a digital graphic. Since Weston & Sampson already has the GIS coordinates, it was requested that a map be prepared showing all the lines for use by the Planning Board, and for Village projects such as I&I.

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Village spend up to \$1,500 in acquiring from its engineer, Weston & Sampson, an appropriate diagram of the Village of Tuxedo Park water and sewer system.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

#### **Tree Advisory Board**

##### *Appointment*

Mayor McFadden announced his appointment of Christopher Gow as Chairman of the Tree Advisory Board and Chiu-Yin Hempel as a member of the Tree Advisory Board for an additional three year term.

##### *Approval of Appointment*

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board of Trustees approve the appointment of Christopher Gow as Chairman of the Tree Advisory Board, for a one-year term expiring December 2019, and the appointment of Chiu-Yin Hempel as a member of the Tree Advisory Board, for a three-year term expiring December 2021.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

The Mayor and the Board thanked the appointees for their service on the Board and look forward to their continuing efforts.

**Approve BOT Minutes**

A motion was made by Trustee Coen, seconded by Deputy Mayor McHugh that the minutes of the December 17, 2018 Board of Trustees 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 \$193,059.97 in the General Fund, Claim numbers 1-1 to 1-118, \$31,207.11 in the Water Fund, Claim numbers W1-1 to W1-25, and \$32,585.00 in Capital Projects, Claim numbers CP1-1 to CP1-4 be audited and ordered paid.

**Adjourn to Executive Session**

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board adjourn to executive session as 8:38 p.m. to discuss pending litigation, potential litigation, matters pertaining to particular employees, and advice of counsel.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Exit Executive Session and Re-Open the Regular Meeting**

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board exit executive session at 9:18 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.

**Cooper Areas Consulting Engagement(s)**

A motion was made by Trustee Coen, seconded by Mayor McFadden that the Board of Trustees approve engaging the services of the accounting firm of Cooper Arias for the purpose of evaluating the roles of the administrative staff at a cost not to exceed \$1,500 as outlined in their letter dated January 14, 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Policy on Segregation of Duties and Procurement**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board of Trustees approve and adopt the Policy on Segregation of Duties as presented to the Board of Trustees at this meeting.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Adjournment**

A motion was made by Trustee Gluck, seconded by Trustee Coen that the meeting be adjourned at 9:20 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer