

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES REGULAR MEETING  
AUGUST 16, 2017  
7:00P.M.**

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

Clerk: Deborah Matthews

Also: Jeff Voss, Sgt. Taback, Brian Nugent, Esq., Fred Rella, Dena Steele, Gary Pompan, Alan Yassky, Peter Regna, Diane Larsen, Mary Graetzer, JoAnn Hanson, Marie Claude-Wrenn, Audrey Perry, Judge Hasin, Kathy Norris, Anne Gwathmey, Ellen Gluck, Sue Heywood, David & Barbara duPont, Mr. & Mrs. Pomp, Gardiner Hempel, Meg Vaught, Robin McFadden, Kimberly Brieland, Adam Patrick and others.

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

**Judge David Hasin**

Mayor McFadden introduced Judge Hasin who had asked to address the Board regarding a grant that is available to the Village Court through the JCAP program. He has been contacted by Fred Rella and with the Board's approval and assistance from Fred Rella, will be submitting the grant paperwork in mid October. The Judge is suggesting new chairs that are attached or benches for the meeting room as the current chairs are not in compliance with NYS court protocol. The Board thanked Judge Hasin for bringing the grant opportunity to the Board's attention.

**Police Report**

Sgt. Taback gave a synopsis of July Police activities.

**DPW Report**

Superintendent Jeff Voss reported that two summer workers were hired last month, and so far they have weed wacked along every road in the Village and the road crew has been patching potholes. One of the two compressors at the water plant needed replacement. The cost of rebuilding it was \$3,500 compared to \$4,400 for a new one with freight. He met with Trustees McHugh and Barnett, and it was decided to purchase the new pump. The pump at the Turtle Point pump station failed and is being rebuilt at a cost of \$3,600.

**Committee Reports**

*Lakes:* Trustee McHugh reported that CSLAP is 50% complete. Trustee Gluck met with Glenn Sullivan of Solitude Lakes Management and did a paddle run of Tuxedo Lake. Solitude will do a survey of Tuxedo Lake at the end of the month. There may be a chemical treatment done on Tuxedo Lake as well. Mayor McFadden stated that there will be stricter enforcement of the law regarding

fertilizers as these are the cause of the algae blooms in the lakes. Milfoil in Pond #3 is very bad and the Village may seek permission from the DEC for chemical treatment later in the season.

*Dam:* Mayor McFadden reported that the dam construction is moving along on time and on budget. The stone for the parapet wall had been reviewed by the BAR and they were in agreement with the stone from a local vendor, the cost being competitive.

### **Water Department**

Trustees Barnett and McHugh reported that they have been reviewing the water billings and water reports and feel the program is not being fully utilized. The goal is to have someone run the billing program, someone else oversee it, and have the Trustees oversee both. Also, the Board had previously approved a new meter reading device which will be purchased and should make the meter reading process more efficient.

### **Fire Department**

Trustee Barnett had previously met with the fire department, and they are requesting keys to the sewer plant gate for access by the Sterling Forest fire trucks in case of an emergency. The fire department would also like to have all the houses in the Village display a visible number and are encouraging people to use the numbers, especially those with a medical condition. Also, a concern of the fire department is water pressure in the Village and working hydrants.

### **Appoint Part Time Police Officers**

Mayor McFadden stated the part of the process of hiring police officers is to have Trustee Moon do a final interview. Trustee Moon reported that Johnny Motz is retired from the Harriman Police Department and Joseph Ryle is retired from the Monroe Police Department. Both are highly qualified.

A motion was made by Mayor McFadden, seconded by Trustee Moon that Johnny Motz and Joseph Ryle be hired as part time Police Officers in the Village of Tuxedo Park Police Department at a rate of \$24.00 per hour, effective September 1, 2017.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

### **Public Comments**

Several residents spoke in support of John Ledwith and strongly urged the Board to rehire him.

One resident asked what the open position is and asked to be considered for it, as well as making derogatory remarks about Mr. Ledwith.

Mayor McFadden stated that if any resident has any proof of any kind of wrong doing, they are invited into executive session to discuss it. The Board is only interested in anything to do with corruption, accusations of criminal activity, facts, and witnesses. If someone wants to wait until the end of the meeting, they will be invited into executive session.

Mayor McFadden further stated: *As a Board, we came into this focused on the John Ledwith matter. Our goal is to clear his name and go through a due diligence process so that we're all comfortable and at that point can decide what the next step is to move forward. That due diligence has included taking every accusation, running it by the District Attorney, which I personally did, and the Comptroller's office because there were a lot of rumors and innuendos about what that might produce. That turned out to be nothing. We also talked to our own new accountant who is doing a full, complete audit. Nothing burger. Alan McHugh and Allen Barnett did a deep dive into the water department and found absolutely nothing. As a Board, the majority of the Board, feels we are in a position to make offers, consider offers to negotiate with John, to negotiate with civil service as to the appropriate way to bring him back. We've retained Rick Golden who has expertise in civil service. We've given him directives. On Monday he is approaching civil service with a new job description to work out with John and he's going to report back to us very quickly as to how we can bring John back and we'll be voting tonight conceptually in executive session on these types of matters to move forward. That is a brief synopsis but I can tell you that every Board member has worked extremely hard to try and clear John's name. There are essentially two components. The last Board concluded John should be fired. That was a majority decision and that was unfortunate, in my view, because John did not have an opportunity to defend himself. There were no performance reviews. It was a complete surprise. He was given a very minor package to depart and we had done prior to that, voted as a group to hire a forensic reporting company. It cost us \$17,000 and the point was to do an investigation of the water department to see if there was any theft or corruption. The report came back completely clean. It said, in fact, there is not a penny missing and all moneys were accounted for. So the firing went through and I'm not getting into all the details because it's executive privilege, but the firing went through and we've been dealing with that issue. Was it fair? What does civil service say about that? Is there anything we can do to find out whether that was appropriate, or not appropriate. We did that. The next phase of our due diligence was dealing with all the rumor and innuendo which was, in my view, to justify the firing by former Board members and it was also tied into a campaign. We have had a series of rumor and innuendo and we have looked into every single one of those accusations. As I said, there was nothing to prevent us to conclude that if we wanted to, and if John wants to, and if we agree on a new job description, he can come back and we would move to do that. That's a general overview and I'll ask if anyone else wants to add to that.*

Trustee McHugh stated: *Two things, and one is slightly troubling, is that we've reached out to the former mayor and deputy mayor to receive any and all correspondence from them with regard to this to allow us to get a greater understanding of what the charges were and the basis for that. To date we've been told by the former mayor that we've received all the correspondence. We're going to vote on a resolution later tonight to tighten that up and request all emails so we have all records of that. We've received nothing from the former deputy mayor or the former mayor with regard to John specifically which would lead us to believe there was no corruption or anything. That being said, all of us have had the awkward situation of talking to the new accounting firm. First they sent us all a questionnaire asking us if there's corruption. We have two trustees coming on who obviously don't know. They have to attest to that and say it was a political matter. All of us had to report to the accounting firm and I've also had an interview with the state comptroller with the same question. Allen Barnett and I have done a deep dive on the water bills. There are a massive amount of problems but there is no corruption. I would say incompetence in certain situations, people getting in a rigid format and not being flexible, and not having proper procedures in place. What we've all come to recognize is that we are sorely lacking in procedures and controls and I think Mary Jo and Claudio have highlighted that. The state comptroller certainly highlighted it and our accountant has brought it to our attention. The good news is Debbie has finished all the financials for the last fiscal year. The*

*accountant is going to be presenting our finances at the September Board meeting. It will be nice with a new accountant, fresh eyes on everything. Hopefully, that will give everybody comfort that no funds are missing and yes, it's an audit where they're looking at our books and very attuned to all of our concerns and they are looking for any improprieties and have found none, nor has Michelle from the comptroller's office.*

Trustee Barnett stated: *The firing of John is an embarrassment to the whole Village. Not one of us would want to be treated the way John was treated. Hopefully, no one would treat an employee the way he was treated. The other thing I find remarkable is all these talks of bribes and corruption. It takes two to tango.*

Trustee Gluck stated: *We have looked, we've asked, we've looked again. There is no bribery, no corruption, no malfeasance. Nothing burger, a whole lot of nothing burger. If there is something there, we're here to hear it, see it. Opinions and innuendos really don't cut it. We are proceeding now with a process that will hopefully have a good resolution.*

Mayor McFadden stated: *In summary, to those people in the Park who support John coming back, they have an ally with the majority of this Board, but we wanted to do a careful due diligence approach, take our time, make sure we were not overlooking anything to get to this position and that would explain the length of time between the elections, us taking over, and now. I apologize for that delay but it was necessary and important for us to do that.*

### **Old Business**

#### **Police Personnel**

Mayor McFadden stated that the plan is to bring back traffic guards but construction of a new police booth will be done first. Trustee McHugh has been working with the architect who is on the staff of Village Engineer McGoey, Hauser & Edsall and the booth plans are progressing.

#### **Village Email Migration**

Mayor McFadden stated that the Trustees have been using 'gmail' and we need to get up to speed as a municipality, to be able to take the emails and archive them, to be able to transition them, to use Microsoft 365, etc. Computer hardware in the Village Office is outdated and needs to be upgraded as well, giving employees tools needed to succeed. FRP's have gone out, but only one was received back. The matter will be tabled for further discussion.

#### **Planning Board Appointment**

A motion was made by Mayor McFadden, seconded by Trustee Barnett that upon the recommendation of Planning Board Chair JoAnn Hanson, Michele Merson be appointed a member of the Planning Board for a five-year term, 2017-2022, replacing William Mincey whose term ended June 2017.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Resolution Regarding Return of Records**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that:

RESOLVED that ex-Mayor Mary Jo Guinchard be notified and is hereby demanded to turn over and deliver to her successor in office all the moneys, books, papers, records, property and effects of every description, which have come into her possession or under her control by virtue of her office and which belong to the village or pertain to her office.

RESOLVED that such records include original and email correspondence constituting official records of business conducted, unless such records are otherwise in the possession or control of the Village Clerk; and

RESOLVED that the Mayor is authorized to take all necessary and appropriate action to carry out the provisions of this Resolution.

AND

RESOLVED that ex-Deputy Mayor and Trustee Claudio Guazzoni be notified and is hereby demanded to turn over and deliver to his successor in office all the moneys, books, papers, records, property and effects of every description, which have come into her possession or under her control by virtue of her office and which belong to the village or pertain to her office.

RESOLVED that such records include original and email correspondence constituting official records of business conducted, unless such records are otherwise in the possession or control of the Village Clerk; and

RESOLVED that the Mayor is authorized to take all necessary and appropriate action to carry out the provisions of this Resolution.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Planning Board Meetings Schedule Change**

A motion was made by Mayor McFadden, seconded by Trustee Barnett that upon the request of the Planning Board, their meetings be changed to the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 7:30 p.m. in order to accommodate the schedule of Richard Golden, the newly appointed attorney representing the Planning Board.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Public Comments**

A resident requested to have her name removed from CodeRed. Sgt. Taback responded and stated that all CodeRed changes/additions/deletions should be made through him for processing.

**Approve BOT Minutes** – Tabled to the next meeting.

**Audit of Claims**

Bills in the amount of \$182,047.14 in the General Fund, claim numbers 8-1 to 8-97; \$130,079.81 in the Water Fund, claim numbers W8-1 to W8-16; and \$462,100.84 in Capital Projects, claim number CP8-1 to CP8-2 be audited and ordered paid.

**Executive Session**

A motion was made by Trustee Moon, seconded by Mayor McFadden that the Board adjourn to executive session at 8:25 p.m. for the purpose of a discussion regarding matters leading to the employment of a particular person and to invite Kathy Norris to attend.

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 Trustee Gluck, seconded by Mayor McFadden, that the Board exit executive session and reopen regular session at 9:25 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Special Counsel Expenditure**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board authorize the increase in the maximum cap on the engagement of special counsel Richard Golden from \$1,000 to an amount not to exceed \$5,000.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Executive Session**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board adjourn to executive session at 9:30 p.m. for the purpose of a discussion on an Article 78 litigation of Madden vs. Tuxedo Park to be followed by an attorney-client session on potential BAR litigation.

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 Trustee Gluck, seconded by Mayor McFadden, that the Board exit executive session and reopen regular session at 9:50 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**September Trustees Meeting**

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the September Board of Trustees meeting be rescheduled from September 20<sup>th</sup> to September 13<sup>th</sup> at 7:00 p.m. due to Rosh Hashanah falling on the 20<sup>th</sup>.

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 9:54 p.m.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer