

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
MARCH 28, 2018  
7:00 P.M.**

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

Clerk: Deborah Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Jeff Voss, Sgt. Taback, Fred Rella, Nancy & Jim Hays,  
Dena Steele, Suzanne Williams, Mary Graetzer, Michele  
Lindsay, Sally Sonne, Ellen Gluck, JoAnn Hanson, Audrey Perry, et al.

Mayor McFadden made a motion to open the meeting at 7:00 p.m., seconded by Trustee Barnett. The vote was 5-0 in favor. Mayor McFadden led the Pledge of Allegiance. Roll call was taken.

Mayor McFadden thanked everyone for attending. He stated that the Village is in a triad period of responsibilities with the budget process underway and the final assessment roll for 2018-2019 about to be concluded.

**DPW Report**

Superintendent Voss reported: About 30” of snow fell in the last storm; there was some minor property damage done by the plows; work has been progressing on the filters at the water treatment plant; along with work on the Ridge Road water storage tanks; he borrowed salt from the Town; and salt will be ordered to repay the Town.

**Police Report** – Sgt. Taback gave a synopsis of February Police activities.

**Capital Projects**

John Ledwith gave a synopsis of his report. Also discussed was the need to continue with NYSDEC mandated I&I work, the Pond #3 bridge, the Ridge Road water tanks, continued loss of potable water due to leaks, and the cost of the water plant filter #2 rehab.

**Board of Architectural Review Vacancy**

Mayor McFadden announced the resignation of Julia Simet from the BAR and asked that anyone interested in a position on the BAR submit a resume to the Village Office.

## **Committee Reports and Liaison Updates**

### *Grant Writer*

Fred Rella reported that the Village may be eligible for a NYSEFC sewer program grant for the I&I work. He has secured a grant for Police equipment for use in ticket issuance and report taking.

Arbor Day is on April 27<sup>th</sup> and the Village will commemorate the event and tree planting on Wednesday, April 18<sup>th</sup> at the Race Track. As part of Tree City USA, each year the Village must make a proclamation for Arbor Day.

### **Arbor Day Proclamation**

Mayor McFadden announced and signed the following Arbor Day Proclamation:

I, David C. McFadden, Mayor of the Village of Tuxedo Park, do hereby proclaim that Friday, April 27, 2018 to be ARBOR DAY in the Village of Tuxedo Park, New York, and I urge all citizens to acknowledge Arbor Day at a Municipal Celebration and Tree Planting Ceremony on Wednesday, April 18, 2018 and to support efforts to protect our trees and woodlands, and I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations dated this twenty-eighth day of March in the year 2018.

### *Town to a Village Update*

Town Councilwoman Michele Lindsay, in response to an inquiry on the status of the Town to a Village issue, stated that only one meeting has been held and a preliminary presentation given. More education on the issue is needed as to the overall impacts.

### *Lakes Committee*

Jim Hays stated that some members of the committee attended a meeting in New Paltz about harmful algae blooms; they investigated a complaint of water backing up on a property at the south end of Tuxedo Lake which may have been caused by leaves in a gutter; they will reach out to other communities who have similar lake issues for suggestions and feedback; and further investigate milfoil removal methods and the use of chemicals.

A discussion was held.

### *Solitude Presentation*

Deputy Mayor McHugh announced that Solitude Lake Management will give a presentation on the lakes on April 11, 2018 at 7:00 p.m. in the Village Hall.

### *RFP for Village-wide Reassessment*

Trustee Moon stated that he's working on the RFP and will have it to the Board this week with the goal of sending it out the following week.

### *Short Term Rental Discussion*

Trustee Moon stated that during the March 21<sup>st</sup> public hearing on Local Law Introductory D1 of 2018 (Short term rentals), he wanted to clarify a statement that was made regarding Judge

Seidel's decision in the Hanson case. Part of the judge's decision in that case noted that the exclusivity of the Village roads was not unconstitutional. Trustee Moon read this portion of the decision aloud, explaining that if there was going to be an 'anti-transient rental law' and/or other resolutions that would affect ingress into the Village, that they would be doing their best, in a practical way, to keep the Village a 'private place', because under the law, this is what protects the gates.

#### *Wee Wah Dam Update*

Deputy Mayor McHugh reported that bi-weekly meetings continue to be held with the engineer and contractor. The work is 80% complete. Weather has been a major issue in causing delays. Differences of opinion between the engineer and contractor on remediation of various aspects of the construction is also causing delays and cost overruns. The worst case scenario is that the Village will be over budget by \$100K. Every effort is being made to keep things on track and costs down. The project is continuously monitored by the DEC.

#### **Public Comments**

Michele Lindsay stated that positions have been advertised in the Photo News for the Town Planning Board, Zoning Board and Architectural Review Board. Village residents are encouraged to apply. Regarding the Tuxedo LDC, she stated they met on March 27<sup>th</sup> and began the process of distributing some of the money - for the train station, for the bus station, for the historical society, for Tuxedo Hudson, etc.

#### **OLD BUSINESS**

##### **Garage Rental Agreements**

Trustee Gluck stated that at the February meeting the Board authorized and approved a garage license agreement for the garage units at the Village Hall. Because one renter has been in arrears, it has been determined that provisions should be added to the agreement pertaining to the future adoption of policies, rules and regulations. Following a research of the rental market, it was agreed to increase the rent from \$110 to \$150 per month.

A motion was made by Trustee Gluck, seconded Mayor McFadden that the Board approve the revised March 27<sup>th</sup> draft of the Garage License Agreement as modified from the version approved on February 21, 2018, subject to review by the Village Attorney, and that the monthly fee be raised to \$150 per month.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**NEW BUSINESS****Award Sludge Removal Services Bid**

A motion was made by Mayor McFadden, seconded by Trustee Moon that the bid for Sludge Removal Services be awarded to Residuals Management Services, d/b/a/ EarthCare, who was the low bidder and current vendor, at the rate of \$.1069 per gallon, for a contract period of one year commencing April 1, 2018.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Village Election Date and Poll Hours**

A motion was made by Mayor McFadden, seconded by Trustee Moon that the Village Election for two Trustees will be held on Tuesday, June 19, 2018 in the Village Hall with the polls open from 7:00 a.m. and 9:00 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Advertise for Bids on Surplus DPW Vehicles and Set Bid Opening Date**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Village Clerk be authorized to advertise for bid the DPW surplus 1998 Chevrolet Pickup Truck and the 2008 Chevrolet K3500 dump truck, and that the bid opening date be set for Tuesday, April 10, 2018 at 2:00 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Appoint Part Time Police Officer**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that, upon the recommendation of Chief Melchiorre and Trustee Moon, William Vanson, who is a certified police officer and who passed all background checks, be appointed by the Board of Trustees to the position of part time officer in the Tuxedo Park Police Department at the rate of \$24.00 per hour.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Schedule Public Hearing on the 2018-2019 Tentative Budget**

A motion was made by Mayor McFadden, seconded by Trustee Moon that the Board of Trustees schedule a public hearing on the Village's 2018-2019 Tentative Budget for Monday, April 16, 2018 at 7:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Approve Minutes**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the February 21, 2018 Special Meeting for Public Hearings on Local Law Introductory D1 and D2 of 2018 be approved.

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

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

A motion was made by Mayor McFadden, seconded by Trustee Gluck that the minutes of the February 21, 2018 Regular Board of Trustees Meeting be approved.

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

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

**Schedule Budget Workshop**

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that an additional budget workshop be scheduled for March 30, 2018 at 9:00 a.m.

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 \$169,917.32 in the General Fund, claim numbers 3-1 to 3-109; \$27,353.44 in the Water Fund, claim numbers W3-1 to W3-19; and \$246,220.74 in Capital Projects, claim numbers CP3-1 to CP3-6 be audited 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. to discuss matters relating to the employment of particular individuals.

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 10:56 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

**Introduce Local Law Introductory D3 of 2018 – Property Tax Cap Levy**

A motion was made by Trustee Gluck, seconded by Deputy Mayor McHugh that the Board of Trustees introduce Local Law Introductory D3 of 2018 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-C to read as follows:

**WHEREAS**, the Village Board of Trustees of the Village of Tuxedo Park, New York (“Village Board”) hereby finds that there is a critical and compelling need, in the public interest to consider adoption of a local law to authorize the Village Board to override the limit on the amount of real property taxes that may be levied by the Village and to further allow the Village Board to adopt a budget for the fiscal year commencing on June 1, 2018 that requires a real property tax levy in excess of the tax levy limit in accordance with General Municipal Law § 3-c; and

**WHEREAS**, a Public Hearing is required prior to the adoption of such local law; and

**WHEREAS**, a copy of said proposed local law shall be available at the Office of the Village Clerk at least seven (7) days prior to such Public Hearing; and

**WHEREAS**, the Village Board wishes to schedule such Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED** that:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference as if set forth fully herein.

Section 2. An introductory Local Law for the Village Board to override the limit on the amount of real property taxes that may be levied by the Village and to further allow the Village Board to adopt a budget for the fiscal year commencing on June 1, 2018 that requires a real property tax levy in excess of the tax levy limit in accordance with General Municipal Law § 3-c.

Section 3. Copies of the aforesaid proposed Local Law shall be laid upon the desk of each member of the Village Board or otherwise delivered in compliance with Municipal Home Rule Law § 10.

Section 4. The Village Board shall hold a public hearing on said proposed Local Law at the Village Hall, 80 Lorillard Road, Tuxedo Park, New York, at 7:00 PM on April 16, 2018.

Section 5. The Village Clerk is directed to publish or cause to be published a public notice in the official newspaper of the Village of Tuxedo Park of said public hearing at least five (5) days prior thereto.

Section 6. This Resolution shall be effective immediately.

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 Mayor McFadden that the meeting be adjourned at 11:00 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer