

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES REGULAR MEETING
JULY 18, 2018
7:00 P.M.**

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

Clerk Deborah A. Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Jeff Voss, Chief Melchiorre, Meg Vaught, Audrey Perry, Claudio Guazzoni, Dena Steele, JoAnn Hanson, Carol Nicholson, Joan Alleman, Christopher Gow, Chauncie Rodzianko, Elizabeth Cotnoir, Howard Shore, Ellen Gluck, Jean Connelly (MacGregor), et al.

Mayor McFadden made a motion to call the meeting to order at 7:06 p.m., seconded by Deputy Mayor McHugh. The vote was 5-0 in favor. Mayor McFadden led the Pledge of Allegiance and roll call was taken.

Mayor McFadden welcomed newly elected Trustee Maureen Coen and also Trustee Allen Barnett to his new Trustee term.

Mayor's Comments

Mayor McFadden and Trustee Gluck recently met with O&R executives. A synopsis of the meeting is that the Village electrical system is below par with only one feed into the Park and the remaining lines being antiquated. There is a two-year plan to upgrade the system; one of the upgrades is a Wi-Fi control system to allow meters to 'talk' automatically to O&R when the power goes out. A letter summarizing the meeting has been posted on the Village website.

Department Reports

DPW –Jeff Voss announced the following road resurfacing: he plans to chip seal Pine Hill, Fox Hill, Cannon Hill, Eagle Mountain, South Lake Place, West Lake Drive and Acoma Roads. Paving will be done on East Lake Road from Crows Nest to the South Gate, the top of Cliff Road, and Chastelleux Lane. 'Caution' signs will be placed to alert drivers to loose stones on those roads being chip sealed.

Police – Chief Melchiorre gave a synopsis of June Police activities. He reported that cameras have been installed in the Keep and license plate readers are ready to be installed.

Capital and Building Report – John Ledwith reported that parts have been ordered for the second water filter repair, the change in chemicals used at the water plant has been completed,

but chemical usage continues to be higher than anticipated and needs further research, awaiting a rebuilt pump for the low lift pump station, the Village Engineer is finalizing plans for the recycling of water at the sewer plant for cleaning the screens. He then explained the Continental Road project which includes replacement of the water line and repaving of the lower portion of Continental Road.

Mr. Ledwith also reported that there are currently six projects before the BAR and Mr. Dow donated a 100K generator to the Village. Mr. Ledwith has contacted two companies to do an analysis of the Village's current generator needs. No Certificates of Occupancy were issued this month, and two stop work orders were issued regarding docks.

Village Attorney Report – Attorney Nugent gave an update on the following:

Madden – Article 78 regarding a FOIL that was dismissed. There is now a motion to re-argue.

Guinchard – Article 78 regarding a SCAR petition. There was a motion to dismiss by the Village which was denied. However, there was a legal argument that wasn't addressed by the court so the Village submitted a motion to re-argue on that matter.

Guazzoni/Zgonena – Declaratory action regarding the consulting agreement with John Ledwith. There was a motion to dismiss which was denied on narrow grounds. The court dismissed Plaintiff Guazzoni as lacking standing and confirmed the Village authorizing resolution was procedurally proper. The Village has filed a motion to renew.

Zgonena – The Sokoloff Firm, the Village insurance carrier appointee, is handling this long standing litigation which is still pending.

Tax Certiorari & SCAR – There is one tax certiorari and 14 pending SCAR applications.

Trustee Comments and Liaison Reports

Wee Wah Dam – Deputy Mayor McHugh reported that the DEC will be coming to inspect the dam on July 25th. If the inspection is passed, the dam will reach substantial completion. Some issues continue with regard to the operation of the knife gate valve and anchoring of the davit crane on the auxiliary spillway. Post substantial completion, the roads will be paved and draft inspection maintenance plans have been submitted. There are several on-going disputes with the contractor.

Lakes – Deputy Mayor McHugh reported that chemical treatment of Pond #3 with Navigate was done on July 12th. During the week of July 22nd Solitude Lake Management will be taking water samples on Pond #3 and the Wee Wah.

A very lengthy audience question and answer session followed.

Infrastructure Review – Trustee Barnett reported that there is a study underway that is focused on infrastructure.

Municipal Sharing Agreements – Trustee Coen reported that this will be discussed at next month's meeting.

Committee or Town Representative Reports

Michelle Lindsay reported that the Town Board will hold a public hearing next Monday on the elimination of the Architectural Review Board, giving the duties to the Planning Board.

She further discussed: the Town Comprehensive Plan, the possible sale of Tuxedo Farms as reported in the Times Herald Record, a building moratorium is in effect because of zoning not being finalized, the Bruno proposed project and LDC award, and tax breaks if an amusement park is constructed.

Trail Committee

Chauncie Rodzianko read a letter from the Trails Committee regarding their recent trail improvements. She announced that a new trail map has been prepared and will be available to residents at the Village Office.

Tree Advisory Board

On behalf of TAB, Christopher Gow announced that on Saturday, July 28th the inauguration of the new northern entrance to the Race Track Nature Preserve will be held to honor the Meadow Stewards who have funded it. All residents are invited and encouraged to attend.

Public Comments

Joan Alleman and Chauncie Rodzianko spoke.

OLD BUSINESS

Resolution to Accept Dow Trust Dedication of Ridge Road Strips of Land to Village

Mr. Ledwith stated that Mr. Dow appeared before the Village Planning Board requesting a lot line change as one of his properties encroaches into the Village roadway. Attorney Nugent further explained that the Dow Trust is conveying the two strips of land, which are in Ridge Road, to the Village. This would move Mr. Dow's lot lines back from the road. There is no environmental impact.

A motion was made by Trustee Coen, seconded by Mayor McFadden that the Village Board of Trustees of the Village of Tuxedo Park declare itself lead agency under the State Environmental Quality Review Act and determine the significance of the action and authorize the Mayor to accept a property dedication by resolution as follows:

WHEREAS, Daria Foster, as Trustee of the Robert Dow Grantor Trust, and as Trustee of the Christina Seix Dow Grantor Trust, has offered to dedicate to the Village of Tuxedo Park ("Village"), strips of land along Ridge Road standing in the name of those Trusts, said strips of land being portions of existing Section, Block and Lots: 105-1-41 and 105-1-39.2 ("Dow Property Dedication"); and

WHEREAS, the Mayor and Trustees have previously conditioned the acceptance of such dedication on the provision as well of a title insurance policy, which the proposed grantor has agreed to provide; and

WHEREAS, the proposed action is a Type I action pursuant to 6 NYCRR 617.4(b)(9) because the Village of Tuxedo Park is a site listed on the National Register of Historic Places; and

WHEREAS, the Village Board desires to assume Lead Agency status and conduct a review to determine the significance of the proposed road dedication in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617; and

WHEREAS, the Village Board is the sole agency involved in the proposed action, which is of local significance; and

WHEREAS, Parts I, II, and III of an Full Environmental Assessment Form have been prepared and reviewed by the Village Board; and

WHEREAS, a public hearing has been noticed and scheduled by the Village Board for all persons interested in presenting oral or written comments concerning the proposed road dedication.

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 determines that the proposed action is a Type I action and will require review pursuant to the State Environmental Quality Review Act (“SEQRA”), and the regulations promulgated thereunder.

Section 3. The Village Board hereby declares Lead Agency status pursuant to SEQRA in connection with the Dow Property Dedication and the Village Board will therefore determine if the proposed Dedication will have a significant adverse environmental impact.

Section 4. The Village Board hereby determines that the Dow Property Dedication will not have a significant adverse environmental impact as the action involves only dedicating two strips of land along Ridge Road to the Village and will not involve any physical alteration or disturbance of such property, and therefore an environmental impact statement does not need to be prepared, and hereby issues a negative declaration.

Section 5. The Village Board hereby directs the Village Clerk and any other officer or employee, as directed by the Village Mayor, to take any action necessary to carry out the provisions of this Resolution.

Section 6. That the Mayor is authorized to sign the appropriate forms to permit the recording of a deed, with such forms and such deed to be held in escrow by the agents of a licensed title insurance agency until the payment by the grantor of the applicable title insurance premium and the appropriate recording of the deed and commitment to the issuance to the Village of a policy insuring title to the lands conveyed to the Village; and it is further.

Section 7. That the Mayor and Village Clerk are authorized to execute such other documents and to do such other things as may be reasonably necessary to accomplish the intent of the foregoing Resolution.

Section 8. This Resolution shall be effective immediately.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

NEW BUSINESS

Authorize Advertising and Bidding of Continental Road Project

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board authorize the Village Clerk to advertise for bidding on the Continental Road Water Main and Paving Project and that the bid opening date be set for August 9, 2018 at 2:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Possible Sale of Village Paper Road Located Off of East Lake Road

Mayor McFadden stated that Sean Madden expressed interest in purchasing the Village paper road that runs adjacent to his property. The 'road' contains Village utilities. He asked Attorney Nugent what the process is for selling Village property. Mr. Nugent explained that if it was a Village road, it would first be declared not needed and discontinued by the Village which involves a public hearing. An appraisal of the 'road' should also be done as well as a metes and bounds survey. The Village is not required to put the property up for bid and could choose to convey via a private sale.

A brief discussion was held and the Board agreed that further review and information gathering is required.

Public Comments

Claudio Guazzoni, in referring to the possible sale of the paper road traversing the Madden property, offered to purchase it for \$100K.

Approve Minutes

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the minutes of the June 20, 2018 Board of Trustees minutes be approved.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (Trustee Coen was not yet a Board member)

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

Audit of Claims

Bills in the amount of \$171,620.46 in the General Fund, claim numbers 7-1 to 7-91; \$12,178.61 in the Water Fund, claim numbers W7-1 to W7-11; \$122,502.27 in Capital Projects, claim number CP7-1 to CP7-7, and \$1,582.84 in Professional Fees were 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 at 9:10 p.m. for the purpose of a discussion related to the employment of particular persons, attorney-client advice regarding a contract, pending litigation, and resolution with regard to a Village water account, and that the Chief be invited to attend executive session.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Adjourn Executive Session and Re-open Regular Session

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board exit executive session and re-open regular session at 10:59 p.m.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Approve Police Chief Agreement

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Mayor be authorized to sign the agreement as to the terms and conditions in the employment between the Village of Tuxedo Park and Chief Alessio Alex Melchiorre effective January 1, 2018 through December 31, 2019 in the form in which it was presented to the Board of Trustees and reviewed this evening.

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 11:05 p.m. The vote was 5-0 in favor.

Respectfully submitted,
Deborah A. Matthews
Village Clerk-Treasurer