

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES REGULAR MEETING
DECEMBER 17, 2018
7:00 P.M.**

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

Clerk: Deborah A. Matthews

Village Attorney: Brian Nugent, Esq.

Attendees: John Ledwith, Chief Melchiorre, Meg Vaught, Audrey & Jack Perry,
Richard Witte, 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 reported that an entertainment company made an offer on the Tuxedo Farms property, proposing to build an amusement park that will encompass many buildings and employ up to 1,800 workers. His main concerns are: light pollution, noise pollution, and security. Hopefully, these issues will be addressed through the SEQRA process.

Department Reports

Police – Chief Melchiorre gave a synopsis of November Police activities. The Chief, in response to Trustee Gluck's question, stated that the department is keeping track of traffic related warnings that are issued.

Resignation of Part Time Police Officer

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board accept the resignation of Part Time Police Officer Kenneth Sanford, effective November 26, 2018.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Declare Police Department Guns as Surplus

A motion was made by Mayor McFadden, seconded by Deputy Mayor McHugh that the Board of Trustees, upon the recommendation of the Chief of Police, declare 12 Gen 3, Glock 21, .45 caliber guns, identified by serial numbers on file at the Village Office, as surplus to the needs of the department, and that they be replaced with an equal number of Gen 5, Glock 17, 9mm guns.

The surplus Glock 21 guns will be purchased by department officers at the price of a new Glock 17 (\$469.17 each). There will be no expense to the Village for the 12 new Glocks.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

DPW –Superintendent Voss was absent due to illness. John Ledwith read the report in Mr. Voss' absence. The department's projects included: continuation of leaf pick up and clearing of drains, plowed and salted roads, repaired the road to the Mountain Farm pump station, began installing the water recycling system at the sewer plant, began reading meters for the 4th quarter billing, an electrician was called regarding an issue with the low lift pump at the water plant (result is the pump needs replacing), and the OCHD performed an annual inspection of the water plant. In response to a question, Mr. Ledwith responded that the sewer plant water recycling project has been ongoing because parts had to be ordered and there needs to be electrical and plumbing installed. Also, when water flow is high, the work cannot be done and must wait for drier weather conditions.

Capital and Building – John Ledwith reported: There were three home sales during the month, three property violation letters were issued, inspections were done on seven ongoing building/renovation projects, no leaks have been detected in the second Ridge Road water storage tank, a new furnace was installed at the water plant and is operating with some ancillary heating equipment repairs being considered, and there are four new projects under review.

Trustee Reports

Trustee Barnett: Distributed two budget reports (2018-2019 General Fund Budget Update and Profit & Loss YTD Comparison) and explained that public presentation of this data is part of the ongoing effort to keep the public informed of Village financials and to collect feedback. The information shows that to date 54% of the budget has been spent. About one quarter of the total budget is for employee benefits and pensions.

Trustee Gluck: In reference to the Town, he commented that items on their meeting agenda, which is also tonight, include a public hearing on a proposal to transfer duties of the ARB to the Planning Board and subsequently dissolve the ARB. He encouraged residents to become familiar with the issues as there may still be time to comment. Our newly elected Senator Jan Metzger met with Tuxedo residents on December 8th in the Train station. Among other things, Jan, a former town of Rosendale councilperson, spoke about the difficulty local municipalities have in funding ever increasing State mandates out of local property taxes, and the need to provide local municipalities some relief. The Town budget was adopted and the Moody's rating on the Town debt changed from negative to positive.

Trustee Coen: In regard to wildlife, she and Chief Melchiorre have been working with the O.C. Department of Heath to put together a protocol in the form of an FAQ. Capital project workshops for 5 to 10 year planning will begin in January. She and Mayor McFadden met with the Village accountant and discussed two possible additional services for the Village: 1) to review actual spends vs. budgeted funds on a monthly or quarterly basis and alert the Board of

any issues at a cost of \$1,000-\$1,500 per month and 2) as a result of the Comptroller's report on segregation of duties, do a deep dive into the administrative department and evaluate Village procedures and make recommendations as to duties at a cost of \$1000-\$1,500.

Deputy Mayor McHugh requested specific samples of similar work done in other communities and more data prior to moving ahead.

Deputy Mayor McHugh:

Lakes: The final report on the lakes from Solitude Lake Management is due in late January. When released, the report will be posted on the Village website.

Dam: The dam is 99% complete. There continues to be an issue with the knife gate valve and the Village Engineer and the Construction Company are working on crafting a solution. The lake is being drawn down for the winter months.

Village Attorney Litigation

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

Guazzoni/Zgonena vs. The Village – Mr. Zgonena is the only remaining plaintiff in this case. The case is currently in discovery with depositions to be scheduled prior to January 31, 2019. To date, the case has cost the Village \$11,000.

Guinchard vs. The Village – This is a challenge to the dismissal of a SCAR proceeding. This case has been concluded. Total cost to the Village \$7,500 in total.

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

Zgonena vs. The Village – This was a Justice Court matter in which a resident had appealed a Justice Court conviction but ultimately a decision upholding the conviction was made on October 15. The Village was victorious and the Justice Court decision upheld. This total cost for this case and the Billiu was approximately \$3,800

Madden vs The Village – A motion to reargue was denied on September 12th. Mr. Madden has filed a notice to appeal and has perfected it. The Village responded to his brief. Mr. Madden must now file a reply brief at which point the matter will be fully submitted. Mr. Nugent estimates that it will be about a year before there is an oral argument and then likely another six months before a decision is rendered. Current billing to the Village is approximately \$18,000. There should be no more billing on this for 12-18 months.

Committee Reports – None

Public Comments – None

OLD BUSINESS

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.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Multi-Jurisdictional Hazard Mitigation Plan

A brief discussion was held on the hazard mitigation plan of which the original version was posted on the Town website with a link to access it from the Village website. Substantial changes were made regarding the sections pertaining to the Village, and it was re-posted on the Village website. No comments were received from the public on the plan.

A motion was made by Trustee Coen, seconded by Trustee Burnett that the Board authorize the acceptance and adoption of the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York as detailed in the following resolution:

WHEREAS, the Orange County Department of Emergency Services, with the assistance from Barton & Loguidice, D.P.C., has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York; and

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

WHEREAS, the **Village of Tuxedo Park**, has reviewed the 2018 Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

WHEREAS, the **Village of Tuxedo Park**, will consider the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the **Village of Tuxedo Park**, as a participating jurisdiction, adopts the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York, dated April 2018.

This resolution was thereupon declared duly adopted on December 17, 2018.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

NEW BUSINESS**Traffic Booth**

Mayor McFadden stated that he has pledged of \$100K in donations for construction of the traffic booth. A brief discussion was held regarding bidding for the booth project, and the matter was tabled to the January meeting. Mayor McFadden stated that he had met with Pat Hines of McGoey Hauser & Edsall regarding a bill for an older version of the booth drawings and Mr. Hines agreed to reduce the bill by \$3K.

Authorize Increase in Funds for Traffic Booth Drawings

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board of Trustees authorize the increase in funds from the 11/14/18 approved amount of \$2,800 to \$3,950 for the drawings of the traffic booth which will be expended from the existing restricted booth fund.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Acknowledgment and Acceptance of WIIA Grant Award

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees of the Village of Tuxedo Park confirms the Village's acceptance of the NYS EFC (Environmental Facilities Corporation) WIIA (NYS Water Infrastructure Improvement Act) grant in the amount of \$132,938 and intends to proceed in 2019 with the project without CWSRF financing for SSES Phase 3, Sub Basins 2 & 10, Project C3-7361-04-00.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Appointment of Fire Commissioners

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees appoint Peter Dedel and Todd Darling as Fire Commissioners to the Tuxedo Joint Fire District Board of Fire Commissioners for a five-year term commencing on January 1, 2019.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Wee Wah Dam Auxiliary Spillway Capstone Dowel Investigation

Deputy Mayor McHugh explained that there are concerns with the stability of the capstones on the auxiliary spillway. Borings need to be done to determine whether the dowels are at 24 inches rather than the contracted 30 inches. The Village's engineer obtained three quotes for the borings.

A motion was made by Mayor McFadden, seconded by Trustee Coen that the Board of Trustees, upon the recommendation of CHA, approve the proposal by Atlantic Testing Laboratories (ATL) for performing the subsurface investigation of the Wee Wah Dam auxiliary spillway capstone by coring two 3-inch diameter, 30 inch long cores, for a lump sum fee of \$5,000.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Langdon Demolition Permit

A lengthy discussion was held regarding the proposed demotion permit for the property located at 30 Lorillard Road, which requires the Board of Trustees to give final approval. The matter was tabled to the next meeting as appropriate documentation is required and its review by the Trustees.

Purchase of New Laptop for Village Office

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board of Trustees approve the purchase of a new Dell Latitude or equivalent laptop for the Village Office from the Town of New Windsor IT Department, to include the current version of Microsoft Office and Adobe Reader, at a cost not to exceed \$1,000, and that Board approve the transfer of the cost of the laptop from budget line item 9010.8A to 1325.41A in the General Fund.

Vote of the Board: 4 ayes, 1 nay (McFadden)

The motion was passed by a 4-1 vote.

Water Leak Detection Meters

Trustee Barnett inquired about the status of the water leak detection meters that the Village had planned to contract. Mr. Ledwith stated that he contacted three municipalities that are using the technology the Village is looking at and he wants to verify their numbers as he has concerns about the hard numbers. It was agreed that Mr. Ledwith would present all the information to the Board next week.

Public Comments

Audrey Perry inquired about the abandoned property on West Lake Road. Mr. Ledwith stated that violations have been issued and the matter has been before the Village Court on at least two

occasions. The owner did not appear and a warrant was issued for his arrest. Attorney Nugent stated that he will attempt to locate the owner. Under the Village Code, it may be possible for the Village to clean up the property and put the charges on the owner's Village tax bill.

In reference to the traffic booth, Mrs. Perry asked if there would be another poll taken for construction of a traffic booth. In response, Mayor McFadden stated that information would be sent out to all residents via his "From the Mayor's Desk" and encouraged her to sign up.

Approve BOT Minutes

A motion was made by Mayor McFadden, seconded by Trustee Barnett that the Board of Trustees approve the November 14, 2018 Board of Trustees meeting minutes.

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 \$188,794.84 in the General Fund, claim numbers 12-1 to 12-131; \$15,423.20 in the Water Fund, claim numbers W12-1 to W12-11; and \$137,166.14 in Capital Projects, claim number CP12-1 to CP12-8.

Adjourn to Executive Session

A motion was made by Trustee Gluck, seconded by Mayor McFadden that the Board adjourn to executive session as 8:59 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 Trustee Gluck, seconded by Trustee Coen that the Board exit executive session at 9:25 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 Trustee Gluck, seconded by Trustee Coen that the meeting be adjourned at 9:25 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer