

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
PUBLIC HEARING AND MEETING MINUTES  
FEBRUARY 17, 2021  
6:00 P.M.  
MINUTES**

Present: Mayor David McFadden  
Deputy Mayor Anna (Tinka) Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Deputy Clerk: Elizabeth A. Doherty

Village Attorney: Brian Nugent, Esq. (Feerick Nugent MacCartney, PLLC)

Attendees: Village Employees: Building and Land Use Officer John Ledwith and  
Police Chief David Conklin  
Members of the Public: Approximately 43 participants via Zoom

Mayor McFadden called the public hearing to order at 6:00 p.m. and led the Pledge of Allegiance. Roll call was taken.

**Resolution No. 0217-01**

Discussion on discontinuing a certain abandoned road in the Village began at 6:00 P.M. and continued to 6:45 P.M. The matter was tabled to the next regularly scheduled Board of Trustees meeting.

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to keep the public hearing open and reschedule it to Wednesday, March 17, 2021 at 6:45 P.M.

Vote of the Board:

YES

NO

ABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-02**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to accept the Separation of Service Policy (Civil Service § 71) (Attachment A to these minutes).

Vote of the Board:

YES

NO

ABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-03**

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw, it was: Resolved to approve, at the request of the DPW Superintendent Jeffrey Voss to the Mayor, in light of severe water losses, ex post facto emergency spending to repair a leak on Saturday, February 6<sup>th</sup>, along East Lake Stable Road on the Pompan property at a cost of \$6,600. This will be charged to the Water Fund budget code 8340.4 Transportation and Distribution-Contractual.

Vote of the Board:

YES

NO

ABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-04**

On a motion by Trustee Gluck, seconded by Mayor McFadden, it was: Resolved that DPW Superintendent Jeffrey Voss be authorized to spend up to \$8,250 (\$1,650 per day for five days) on a rolling basis for leak detection services. This will be charged to the Water Fund budget code 8340.4 Transportation and Distribution-Contractual.

Vote of the Board:

YESNOABSTAIN

Deputy Mayor Tinka Shaw

Trustee Paul Gluck

Trustee Christopher Kasker

Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-05**

A motion was made by Trustee Gluck seconded by Mayor McFadden to approve ex post facto the emergency spending to complete the annual Class C and Class B dam certifications at an additional cost of \$1,300 with the money to come out of Capital Projects budget line 1441.4 – Engineering Projects.

Vote of the Board:

YESNOABSTAIN

Deputy Mayor Tinka Shaw

Trustee Paul Gluck

Trustee Christopher Kasker

Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-06****BE IT RESOLVED THAT:**

1. The Board of Trustees choose CivicCMS (CivicPlus) as the vendor for the new village website out of a total of eight (8) vendors listed on ATTACHMENT B – Website Vendor Comparison List, and;
2. The project charges include the one-time development costs (\$6,000) and the annual services (\$2,000) as detailed on ATTACHMENT B - Village of Tuxedo Park CivicCMS Proposal 11-13-20, and;
3. The Village elects to spread these charges over three fiscal years as follows: A) \$4,000 will be invoiced after this agreement is signed. B) \$4,000 will be invoiced twelve months from the date of signature. C) \$4,000 will be invoiced twenty-four months from the date of signature, and;
4. Year 1 payments will come from budget line item 1620.25, and;
5. The Board authorizes the Mayor to sign the vendor agreement after the agreement is approved by the Village Attorney.

Motion by Mayor McFadden, seconded by Deputy Mayor Shaw.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-07**

A motion was made by Mayor McFadden, seconded by Trustee Gluck to hire part-time Police Officer Giana Capone effective March 18, 2021. Ms. Capone will replace Officer Joseph Ryle who resigned on January 1, 2021.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-08**

A motion was made by Mayor McFadden, seconded by Trustee McHugh to purchase two tasers, holsters and batteries, live cartridges and training cartridges for \$5,581.65 from Axon, budgeted over five years at a cost of \$703 the first year and \$1,220 each year thereafter. This will be charged to budget line 3120.2 Police Equipment.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker

Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-09**

A motion was made by Trustee Gluck, seconded by Mayor McFadden, to accept the bid on Auctions International for surplus police equipment sold at auction: \$490 for lights, siren box and speakers and \$27 for a gun rack for a total of \$517.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-10**

A motion was made by Mayor McFadden, seconded by Trustee McHugh, to authorize the Police Department to accept a grant from the New York State Traffic Enforcement Technology Unit for three tablets, one for each patrol vehicle. The grant includes the tablet, a keyboard, a scanner and a printer for each and would replace the two current laptops that the Police Department currently has. Such acceptance to be subject to approval by Village Attorney.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-11**

A motion was made by Trustee Gluck, seconded by Mayor McFadden to permit the Wee Wah Fishing Club to make necessary repairs at no cost to the Village to the existing dock that the Club maintains at the DPW facility.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-12**

A motion was made by Mayor McFadden, seconded by Trustee Kasker, to grant permission for The Tuxedo Club Annual Fireworks display to be held at 9:30 P.M. on Saturday, July 3, 2021 with a rain date of Monday, July 5, 2021, subject to conditions imposed by the State of New York. These dates are based on the New York state COVID-19 restrictions.

YESNOABSTAIN

Mayor David C. McFadden  
Trustee Christopher Kasker  
Trustee Alan McHugh

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck

**Resolution No. 0217-13**

A motion was made by Mayor McFadden, seconded by Deputy Mayor Shaw, to adjourn to executive session at 8:51 P.M. for discussion of Litigation and Employees and Union Negotiations.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-14**

A motion was made by Mayor McFadden, seconded by Trustee Kasker, to exit executive session and re-open the regular session at 9:29 P.M.

YESNOABSTAIN

Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Mayor David C. McFadden did not vote

**Resolution No. 0217-15**

A motion was made by Mayor McFadden, seconded by Trustee Gluck, to adjourn the regular meeting at 9:39 P.M.

YES

NO

ABSTAIN

Mayor David C. McFadden  
Deputy Mayor Tinka Shaw  
Trustee Paul Gluck  
Trustee Christopher Kasker  
Trustee Alan McHugh

Respectfully submitted,

A handwritten signature in black ink, reading "Elizabeth A. Doherty". The signature is written in a cursive style with a large, stylized 'E' and 'D'.

Elizabeth A. Doherty  
Acting Village Clerk-Treasurer

## ATTACHMENT A

**VILLAGE OF TUXEDO PARK  
EMPLOYEE SEPARATION FROM SERVICE POLICY  
(CIVIL SERVICE § 71)**

It is the policy of the Village to ensure that its employees and departments are productive and operate in fiscally sound manner, and to take reasonable steps to secure a steady, reliable, and adequate workforce. It is also the policy of the Village to provide an employee with appropriate notice and an opportunity to be heard in the event that it is anticipated that the Village will separate an employee from service pursuant to the provisions of New York State Civil Service Law § 71.

Accordingly, to strike a balance between the substantial interests of the Village and the employee's interests in continued employment, the Village is establishing policies and procedures for employee separation from service (hereinafter "separation") pursuant to Civil Service Law § 71.

The following process shall be employed in circumstances when the Village seeks to separate a PBA Member from employment based upon a disability resulting from occupational injury or disease as defined in the Workmen's Compensation Law ("Qualifying Injury") where such Employee has been absent from duty for more than one year cumulatively ("Qualifying Leave"), as that term has been defined by the interpretation of Civil Service Law § 71. This policy and the procedures established herein shall apply to all Village of Tuxedo Park employees that are member of the Tuxedo Park PBA.

The Tuxedo Park PBA was provided with this proposed policy and was afforded an opportunity to review and respond to the policy and its comments and recommendations were considered in establishing this policy.

**Section 1.** An Employee absent from duty due to a Qualifying Injury shall be allowed leave from Employee's position for the period of absence necessitated by such injury or disease, up to cumulatively one year including any periods of such absence during which Employee draws vacation, sick leave or other leave credits. Such leave may be extended for further periods in the discretion of the Village.

**Section 2.** No less than 30 days nor more than sixty (60) days prior to the anticipated date of separation of an Employee under Civil Service Law § 71 who has been absent on a Qualifying Leave, the Village shall provide written notice to that Employee of such proposed separation and such notice indicate that the Employee shall have an opportunity to respond, in writing, within twenty (20) days of service of such notice, asserting any and all reasons why such separation should not occur or the Employee may request, within such twenty (20)-day period, a hearing to contest the Village's determination. If the employee requests a hearing to contest the Village's determination, the Village shall schedule a hearing before a neutral hearing officer to be held within forty-five (45) calendar days. The employee shall have the right to representation and to present evidence during the hearing. At the conclusion of the hearing, the parties may agree to submit post-hearing written briefs, which shall be submitted to the hearing officer within thirty (30) calendar days after the close of the hearing. The hearing



officer shall render a decision within thirty (30) calendar days after the close of the hearing or if applicable, the submission of post-hearing briefs. If the hearing officer finds that the employee was on a Qualifying Leave due to a Qualifying Injury, the employee shall be separated from service. Any employee separated from service may apply for reinstatement in accordance with the terms set forth in this policy.

**Section 3.** An Employee **separated** from employment under Civil Service Law § 71 may, within one (1) year after the employee recovers from a Qualifying Injury, make application to the Orange County Department of Human Resources for a medical examination to be conducted by a medical officer selected for that purpose by the Department. If, upon such medical examination, such medical officer shall certify that such Employee is physically and mentally fit to perform the duties of the Employee's former position, Employee shall be reinstated to Employee's former position, if vacant, or to a vacancy in a similar position or a position in a lower grade in the same occupational field, or to a vacant position for which Employee was eligible for transfer. In the event that such person is reinstated to a position in a grade lower than that of his or her former position, his or her name shall be placed on the preferred eligible list for his or her former position or any similar position.

**Section 4.** If no appropriate vacancy shall exist to which reinstatement may be made, or if the workload does not warrant the filling of such vacancy, the name of such person shall be placed upon a preferred list for his or her former position, and he or she shall be eligible for reinstatement from such preferred list for a period of four years.

**Section 5.** If such employee's claim for Workers' Compensation Law benefits is contested, with respect to the injury that is the subject of the separation, Employee shall not be deemed to be on Qualifying Leave under Civil Service Law Section 71. If a final determination reached in favor of the employee on the Workers' Compensation claim, the employee shall be entitled to leave under Civil Service Law Section 71 and all absences before such final determination shall be deemed Qualifying Leave.

**Section 6.** Nothing herein shall affect or impair the employee's right to paid sick leave during the absence resulting from Qualifying Leave and through the date of separation provided such employee is otherwise entitled to such leave and is in compliance with all relevant rules and regulations regarding the use of such sick leave.

**Section 7.** Notwithstanding the foregoing, pursuant to Civil Service Law Section 71, where an employee has been absent on Qualifying Leave by reason of a Qualifying Injury resulting from an assault sustained in the course of his or her employment, the employee shall be entitled to a leave of absence for no less than two (2) years, including paid sick leave, unless the employee's Qualifying Injury is of such nature as to permanently incapacitate him or her for the performance of the duties of the employee's position. For the purposes of this provision, the definition of "assault" shall mean an intentional act of violence directed at an Employee by another person or persons.

**BY ORDER OF THE VILLAGE BOARD  
FOR THE VILLAGE OF TUXEDO PARK**

Effective Date: February 17, 2021

## ATTACHMENT B

## WEBSITE VENDOR COMPARISON LIST

| Website Company Comparison Short List |   |                 |                 |                              |                      |                                  |
|---------------------------------------|---|-----------------|-----------------|------------------------------|----------------------|----------------------------------|
| Provider                              | URL   | Cost-Web Design | Cost-IT/Hosting | Cost-Annual/Support/Security | Cost - Custom Design | Cost - Custom Designed Subsets / |
| CivicPlus                             | <a href="https://www.civicplus.com/">https://www.civicplus.com/</a>     | \$6,000         | \$1,000         | \$1,000                      | TBD                  | \$3000 / \$500                   |
| evogov                                | <a href="https://www.evogov.co.uk/">https://www.evogov.co.uk/</a>       | \$7,000         | \$500           | \$500                        | TBD                  | TBD                              |
| Intrado CivicLive                     | <a href="https://www.civictive.co.uk/">https://www.civictive.co.uk/</a> | \$8,300         | \$1,085         | \$1,085                      | \$14,800             | TBD                              |

| Website Company Comparison Short List<br>(Continued) |                 |               |                            |                               |           |            |
|--|-----------------|---------------|----------------------------|-------------------------------|-----------|------------|
| Provider   | Cost - Year One | Cost - Annual | Cost - Per Additional User | Completion Time (Approximate) | Ranking   | Notes      |
| CivicPlus  | \$8,000         | \$2,000       | TBD                        | 3-4 months                    | 1         | See Extras |
| evogov   | \$8,000         | \$1,000       | TBD                        | 3-6 Months                    | 2         | See Extras |
| Intrado CivicLive                                    | \$8,300         | \$2,170       | TBD                        | TBD                           | Runner Up | See Extras |

Long-list

URL

|                  |   |
|------------------|---|
| E-GovLink        | <a href="https://www2.egovlink.com/">https://www2.egovlink.com/</a>               |
| edmunds GovTech* | <a href="https://www.municode.com/websites">https://www.municode.com/websites</a> |
| GovOffice        | <a href="https://govoffice.com/">https://govoffice.com/</a>                       |
| MunicodeWEB      | <a href="https://www.municode.com/websites">https://www.municode.com/websites</a> |
| TownWEB          | <a href="https://www.townweb.com/">https://www.townweb.com/</a>                   |

\* Also provides Municipal Software