

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 19, 2021
7:00 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: Building and Land Use Officer John Ledwith, Chief Conklin, Joseph Zongol
(Weston & Sampson), and Members of the Public: Approximately 23
people via Zoom

The monthly meeting of the Village Board of the Village of Tuxedo Park was convened on May 19, 2021 at 7:00 p.m. Mayor McFadden led the Pledge of Allegiance to the flag. Roll call was taken.

Resolution 0519-01

On a motion by Mayor McFadden, seconded by Trustee Shaw: Be it resolved that the Board of Trustees accept the recommendations made by Weston & Samson in their follow-up proposal letter dated May 5, 2021, Regarding: Sewer Trunk Line Investigation Update for conducting CCTV and root cutting services and that the Board of Trustees approve the recommended tasks and expenses on Page 2, Tasks 4A, 4B, 4D, & 5 a total expense of \$62,000 to be charged to 8130.5-Inflow & Infiltration.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Paul Gluck – Aye
Trustee Christopher Kasker – Aye
Trustee Alan McHugh – Nay
Mayor David C. McFadden – Did not vote

Resolution 0519-02

Be it resolved that the Board of Trustees approve the Weston & Sampson proposal Regarding: Engineering Services and Storm System GPS Location and GIS Update Support, dated April 28, 2021 for a total Budgetary Estimated expense of \$20,300 in FY 2021-2022 to be charged to 8140.4 Storm Sewers-Contractual.

This motion was tabled pending Joseph Zongol getting prices from more subcontractors.

Resolution 0519-03

On a motion by Mayor McFadden, seconded by Deputy Mayor Shaw: Be it resolved that the Board of Trustees approve that the Mayor may sign the Haugland Licensing Agreement for the use of certain areas of the DPW property for truck parking, water, and electricity and other reasons specified in Sections 2.1, 2.2, & 4.0 of the Agreement. For this access Haugland Energy Group, LLC will pay the Village of Tuxedo Park a Fee of approximately \$6,000 to be added as Revenue in the budget line item 2410-Property Rental.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Paul Gluck – Aye
Trustee Christopher Kasker – Aye
Trustee Alan McHugh – Aye
Mayor David C. McFadden – Did not vote

Resolution 0519-04

On a motion by Mayor McFadden, seconded by Trustee McHugh: Be it resolved that the Board of Trustees approve that the Mayor may sign the Wee Wah Fishing Club (WWFC) for the seasonal use of Wee Wah Lake for fishing and boating. For this access the WWFC will pay a Fee of \$1,000 for the license to be added as Revenue in the budget line item A2411-License Agreement Fees and \$500 for Milfoil mitigation to be added as Revenue in the budget line item A1989.4-Lakes Management/Watershed Study.

Vote of the Board:

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

Resolution 0519-05

On a motion by Mayor McFadden, seconded by Trustee McHugh it was: Be it resolved that the Board of Trustees approve the following items on the Consent Agenda.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye

Trustee Paul Gluck – Aye

Trustee Christopher Kasker – Aye

Trustee Alan McHugh – Aye

Mayor David C. McFadden – Did not vote

ITEMS ON THE CONSENT AGENDA

- a. Resignation of Part-Time Police officers Joseph Saetta, (effective immediately), Vincent D'Amato (effective May 20), Ryan Smith (effective May 23), and Brian Benjamin (effective May 16).
- b. Approve request to hire Part-Time Police Officer Johnny A. Gonzalez.
- c. Election Day, June 15, 2021: Approve Chris Moog as a Table Inspector to take the place of Jennifer Weiss who had to cancel. Payment is \$225 for the day.
- d. Election Day, June 15, 2021: Approve Linda Hackett and Skip Briggs as alternate Table Inspectors if there are more cancellations. Rate of pay is \$225 for the day.
- e. Election Day, June 15, 2021: Approve Jim Pearson as an alternate Machine Operator if there is a cancellation. Rate of pay is \$225 for the day.
- f. Authorize the Mayor to execute an agreement with New England Aquatic Services (NEAS) for 2021, in a final form approved by Village legal counsel, on substantially the same terms and conditions as the 2020 Agreement between the Village and NEAS with pricing to be updated in accordance with the April 29, 2021 proposal from NEAS to the Village.
- g. Approve the Mayor's appointment of Campbell Langdon to the Board of Zoning Appeals to fill the vacancy of the term vacated by Mary Darby. The appointment term is through 6/30/2025.

The vote on budget transfers was tabled.

Resolution No. 0519-06

On a motion by Mayor McFadden, seconded by Trustee McHugh: Be it resolved that the Board of Trustees temporarily leave the public meeting to enter into Executive Session at 8:41p.m. for the purpose of discussing the DPW Bargaining Agreement, legal matters, water department settlements, and the employment of a particular village employee.

Vote of the Board:

Deputy Mayor Shaw – Aye
Trustee Gluck – Aye
Trustee Kasker – Aye
Trustee McHugh – Aye
Mayor McFadden – Did not vote

Resolution No. 0519-07

WHEREAS, David Conklin (“Chief Conklin”) serves as the Chief of Police of the Village of Tuxedo Police Department; and

WHEREAS, the Village Board previously entered into an agreement with Chief Conklin for his services as Chief of Police; and

WHEREAS, the Chief’s compensation was limited to \$35,000 per year (“Salary Cap”) due to restrictions imposed by the NYS Retirement and Social Security Law (“RSSL”); and

WHEREAS, pursuant to Executive Orders issued by the Governor of the State of New York, the Salary Cap was waived for portions of 2020 and from January 1, 2021 through May 31, 2021; and

WHEREAS, the Village Board desires to provide additional compensation to Chief Conklin pursuant to this agreement with the Village.

NOW, THEREFORE, be it is resolved as follows:

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

Section 2. The Village Board hereby approved the revised Agreement with Chief Conklin in the form annexed hereto, providing additional compensation for the period from January 1, 2021 through May 31, 2021 at a rate of \$83,000 per year and after May 31, 2021, such annual rate shall be reduced to a rate of \$35,000 per year.

Section 3. The Mayor is hereby authorized to execute the Agreement for services with Chief Conklin in a final form approve by Village legal counsel.

Section 4. The Mayor, and any employee, official or consultant as directed by the Mayor, may take any and all actions necessary to carry out the provisions of this Resolution.

Section 5. This resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Ayes	Noes	Abstain	Absent
Mayor David McFadden	[X]	[]	[]	[]
Deputy Mayor Tinka Shaw	[X]	[]	[]	[]
Trustee Paul Gluck	[]	[]	[X]	[]
Trustee Alan McHugh	[X]	[]	[]	[]
Trustee Christopher Kasker	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

Resolution No. 0519-08

On a motion by Mayor McFadden, seconded by Trustee McHugh it was: Be it resolved that the Board of Trustees exit Executive Session at 10:17 p.m.to reenter the public meeting.

Vote of the Board:

Deputy Mayor Shaw – Aye
Trustee Gluck – Aye
Trustee Kasker – Aye
Trustee McHugh – Aye
Mayor McFadden – Did not vote

Resolution No. 0519-09

On a motion by Mayor McFadden, seconded by Trustee McHugh, it was resolved that the Board of Trustees deny Sergeant Michael Taback defense and indemnification.

Vote of the Board:

Deputy Mayor Shaw – Aye
Trustee Gluck – Aye
Trustee Kasker – Aye
Trustee McHugh – Aye
Mayor McFadden – Did not vote

Resolution No. 0519-10

On a motion by Mayor McFadden, seconded by Trustee Gluck it was: Be it resolved that the Board of Trustees adjourn the public meeting at 10:19 p.m.

Vote of the Board:

Deputy Mayor Tinka Shaw – Aye
Trustee Paul Gluck – Aye
Trustee Christopher Kasker – Aye
Trustee Alan McHugh – Aye
Mayor David C. McFadden – Did not vote

Respectfully submitted,



Elizabeth A. Doherty
Acting Village Clerk-Treasurer