

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
APRIL 21, 2004**

Present: Mayor C. Kent Kroeber  
Trustee David du Pont  
Trustee Nancy Hays  
Trustee Oliver Parker  
Trustee Russell Vernon

Clerk: Deborah Matthews

Also: John Ledwith, Richard Morrow, Dep. Chief Culhane, Richard Groughan, Esq., Sally Sonne, Lucy Edwards, Kathy Norris, Barbara du Pont, Jim Hickey, Mary Jo and Claude Guinhard, Greg Libby, Diana McGraw, Jim Jospe, Uli Pendl, Ray Barone, Mike Santoianni, Michele Lindsay, Mary Graetzer, Cindy VanSchaack, Greg VanSchaack, Chris Sonne, Peter Regna, Joseph Zanetti, Carol Amoscolla and others

Mayor Kroeber called the meeting to order at 7:30 p.m. and led everyone in the Pledge of Allegiance.

**MINUTES**

A motion was made by Trustee Hays, seconded by Trustee du Pont, that the minutes of the March 17, 2004 Board of Trustees meeting be approved.

Vote of the Board: Trustee Vernon – aye  
Trustee Parker – aye  
Trustee Hays – aye  
Trustee du Pont - aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

A motion was made by Trustee du Pont, seconded by Trustee Parker, that the minutes of the April 10, 2004 Special Board of Trustees meeting be approved.

Vote of the Board: Trustee Vernon – aye  
Trustee Hays – aye  
Trustee Parker – aye  
Trustee du Pont – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

**TUXEDO UNION FREE SCHOOL BUDGET PRESENTATION** – A presentation on the 2004-2005 school budget was given by Joseph Zanetti, Superintendent of Schools. He was joined in the presentation by representatives of the Board of Education. Mr. Zanetti reviewed the proposed \$13.3M ‘bare bones’ budget, an increase of 9.85% over the current budget of \$12.1M. Even with the increase, it would mean the elimination of such items as elementary summer school, a sports banquet, athletic supplies, field trips

and a number of other popular past programs. The greater part of any school budget is mandated by Federal and State regulations over which the school district has no control. The spending mandates, along with uncontrollable increases in such items as pension contributions, liability and medical insurance, consume about 75% of a year's budget. The public vote on the proposed budget, along with the election of four School Board candidates, will be held on May 18<sup>th</sup> from 2:00 p.m. to 9:00 p.m. at the G.G. Mason School.

**PUBLIC HEARING – LOCAL LAW #1 AND #2 OF 2004** – Mayor Kroeber opened the public hearing at 8:10 p.m. He stated that Local Law #1 would amend Section 94-5(B), Traffic Regulations, and Local Law #2, would amend Section 70-6(A), Restricted Activities, of the Village Code. He asked for comments from the public. Chris Sonne stated that limiting the number of trucks and hours will take longer and cost residents doing projects more money. Trustee Vernon concurred but stated that exceptions could be made. Diana McGraw asked about trucks entering through the South Gate. Greg Libby stated that he supports the legislation, but has a problem with the South Gate, especially with trucks waiting to get in. Mayor Kroeber stated that in some cases, it is more feasible for certain trucks to enter through that gate. If there is a backup of trucks waiting to get in, it is up to the Police to control the traffic and have the trucks idle outside the gate. Mayor Kroeber stated that if passed, the laws will take effect tomorrow. The public hearing was closed at 8:22 p.m.

A motion was made by Trustee du Pont, seconded by Trustee Parker, that Local Law Introductory No. 1 of 2004 amending Section 94-5(B) of the Village Code, whereby the hours of operation and the number of heavy trucks traversing the Village roads are limited, be adopted. A complete copy is attached.

Vote of the Board: Trustee Vernon – aye  
Trustee Hays – aye  
Trustee du Pont – aye  
Trustee Parker – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

A motion was made by Trustee Hays, seconded by Trustee Parker, that Local Law Introductory No. 2 of 2004 amending Section 70-6(A) of the Village Code, whereby the hours for construction in the Village is limited, be adopted. A complete copy is attached.

Vote of the Board: Trustee du Pont – aye  
Trustee Vernon – aye  
Trustee Hays – aye  
Trustee Parker – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

Mayor Kroeber will instruct the Building Inspector to distribute the Local Laws to the contractors working in the Village.

**PUBLIC HEARING – 2004-2005 VILLAGE BUDGET** – Mayor Kroeber opened the public hearing at 8:25 p.m. He stated that the increase in General Fund expenditures is up 5.95% over the current budget. The bulk of the increase is in pension contributions, medical insurance, liability insurance, and salaries. The total budget for the General Fund and the Water Fund combined is \$3,215,254. He asked for comments from the public. Chris Sonne stated that the amount to be raised by taxes is up 11% and no

surplus is used. He also stated that some people have had their assessments raised and will be paying more than 6%. Mayor Kroeber stated that he thinks this will be the last year for the large increases in the pension contributions. There being no other comments, the hearing was closed at 8:30 p.m.

A motion was made by Trustee Vernon, seconded by Trustee du Pont, that the Water Fund budget for 2004-2005 in the amount of \$542,180 and the General Fund budget for 2004-2005 in the amount of \$2,673,074 showing a tax rate of \$33.1238 per \$1,000 of assessed valuation, be adopted as presented.

Vote of the Board: Trustee Hays – aye  
Trustee Parker – aye  
Trustee Vernon – aye  
Trustee du Pont – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

### **PUBLIC PARTICIPATION**

Tuxedo Club: James Jospe and Greg VanSchaack, seeking approval from the Board of Trustees to restore and replace Tuxedo Club docks, presented plans for the replacement of three docks on Tuxedo Lake. The proposal calls for: 1) Replace pre 1987 concrete dock in front of the Main Club by building a new 5'x10' cedar platform on land and attaching a 5'x10' cedar ramp with two 5'x16' cedar docks to it creating a 'T'. The broken cement from the deteriorated dock will be removed. This dock will be used only for transient docking or loading/unloading of passengers. 2) Replace pre 1987 concrete dock in front of the Club Tennis courts on Tuxedo Lake Dam by building a new 40'x8' cedar floating dock. The broken cement from the deteriorated dock will be removed. This dock will be used only for transient docking or loading/unloading of passengers. 3) Replace pre 1987 floating dock between the Main Club and the Boathouse with four 5'x16' cedar floating docks attached to a 80'x5' cedar floating platform. These will be slips for in-season docking for single hull electric boats by members. A lengthy discussion was held. Trustees du Pont and Vernon, as well as some residents, expressed concerns about the proposed sizes and locations of the docks. Trustee Parker suggested the Board do a site visit and that the Club put moorings at the end of the docks so the Board can visually see the proposed locations. It was also suggested that the Tuxedo Club engage an engineer to draw up formal plans. The matter was tabled until next month.

Tuxedo Partners: Gene Boshes, Principal, Tuxedo Partners (formerly Mayflower property) requested the Board of Trustees lift the sewer moratorium on sewer connections in the Village. He stated that the proposed subdivision has been before the Planning Board since 1987, formerly under different names. Mayor Kroeber stated that the Village is in a long term NYSDEC mandated program to improve the Village's I&I and that only the DEC can consider sewer extensions. He further stated that it is the policy of the Board not to get involved in individual projects and that he is concerned about setting a precedent. He stated that the request for lifting the sewer moratorium has been acknowledged.

**ENGINEER'S REPORT** - The Civil Technologies & Engineering report was read by Trustee Parker. A copy is attached. A discussion was held on the sludge pit cover needed at the sewer plant.

**DPW REPORT** – The report was discussed. A copy is attached. Mr. Morrow reminded everyone that hydrant flushing will begin next week in the Hamlet. Also, Wee Wah Lake will be lowered slightly in order for new railings to be installed in the beach area.

**POLICE REPORT** - The synopsis of the monthly report is attached.

False Alarms: Mayor Kroeber stated that he wrote a memo several months ago instructing the Police Department to start fining residents, as per the Village Code, for repeated false alarms. He stated that it has not been done, and he asked that the Police begin writing tickets immediately.

Traffic Guards: Due to the reclassification by New York State Civil Service, an exam is no longer required to fill the permanent position of Traffic Guard in the Tuxedo Park Police Department. Therefore, Deputy Chief Culhane recommended that the two current provisional full time Traffic Guards be appointed to the position as full time permanent employees. The employees are Denise Spalthoff, hired provisionally December 10, 2001 and Teresa Mazzariello, hired provisionally August 1, 2002.

A motion was made by Trustee Vernon, seconded by Trustee du Pont, that provisional full time Traffic Guards Denise Spalthoff and Teresa Mazzariello be appointed to the position of permanent full time Traffic Guard effective April 21, 2004, at a salary consistent with the current Traffic Guard contract, and that they be placed on eight-week probation.

Vote of the Board:       Trustee Hays – aye  
                              Trustee Parker – aye  
                              Trustee Vernon – aye  
                              Trustee du Pont – aye  
                              Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

### **BUILDING PERMITS**

A motion was made by Trustee Hays, seconded by Trustee Parker, that the building permit application of Mr. & Mrs. Donald Hanson, 4 Tower Hill Road, for renovations, an addition and swimming pool at a cost of \$1,200,000 be approved.

Vote of the Board:       Trustee Vernon – aye  
                              Trustee du Pont – aye  
                              Trustee Hays – aye  
                              Trustee Parker – aye  
                              Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

A motion was made by Trustee Parker, seconded by Trustee Vernon that the building permit application of Hui Zhang/Dong Xu, 147 Tower Hill Road, for window replacements at a cost of \$34,000 be approved.

Vote of the Board:       Trustee Hays – aye  
                              Trustee du Pont – aye  
                              Trustee Parker – aye  
                              Trustee Vernon – aye  
                              Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

A motion was made by Trustee Hays, seconded by Trustee Parker, that the building permit application of the Tuxedo Club, West Lake Road, for replacement of a chain link fence with black picket at a cost of \$11,000, be approved.

Vote of the Board: Trustee Vernon – aye  
Trustee du Pont – aye  
Trustee Hays – aye  
Trustee Parker – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

A motion was made by Trustee du Pont, seconded by Trustee Vernon, that the request for change from the original building permit application for materials (from brick to stone) for the patio being constructed by John McKenna be approved.

Vote of the Board: Trustee Hays – aye  
Trustee Parker – aye  
Trustee Vernon – aye  
Trustee du Pont – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

## **OLD BUSINESS**

**WILDLIFE ADVISORY COMMITTEE** – Trustee Vernon reported that currently the culling program is taking five deer per month but will increase during the summer. He also reported the geese at the Wee Wah Beach continue to be a problem. He stated that a device is available for \$900 that is supposed to scare geese away. The Board did not feel it should be purchased at this time.

**ENVIRONMENTAL ADVISORY COMMITTEE** – Trustee Hays reported that the New York State Thruway Authority is joining in the objection to the Conjunction, LLC project.

**BEAUTIFICATION ADVISORY COMMITTEE** – Mayor Kroeber reported that the Committee has drafted a plan that includes 73 projects in 10 categories. He stated that most of the plastic fence on West Lake Road has been removed. Trustee Parker is in the process of counting the rails along Tuxedo Road in preparation of their repair. Peter Regna thanked John Ledwith for getting Orange & Rockland to come back to remove the new metal halide lights that they had installed and reinstall the older incandescent fixtures.

**ST. MARY'S PRESCHOOL** – A request was received to use the Wee Wah Beach area from June 30-July 28, 2004.

A motion was made by Trustee du Pont, seconded by Trustee Hays, that St. Mary's Preschool be authorized to use the Wee Wah Beach on Wednesday mornings from 9:30 a.m. to 12:30 p.m. beginning June 30, 2004 through July 28, 2004, that a certificate of insurance be provided, and that the fee for such use is \$200.

Vote of the Board: Trustee Vernon – aye  
Trustee Parker – aye  
Trustee du Pont – aye  
Trustee Hays – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

Trustee du Pont will research the insurance coverage provided by all the entities that use Village Property. He will check into the amount of coverage, solvency of the carrier, and the carrier's rating.

## **NEW BUSINESS**

### **LAKE WARDEN**

A motion was made by Mayor Kroeber, seconded by Trustee Parker, that James Jospe, West Lake Road, be appointed to the volunteer position of Lake Warden.

Vote of the Board: Trustee Vernon – aye  
Trustee du Pont – aye  
Trustee Hays – aye  
Trustee Parker – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

There is one other Lake Warden position open, and Mayor Kroeber asked that anyone who is interested contact him.

**SPRING CLEANUP** – Mayor Kroeber announced that the bulk pickup day will be Saturday, May 22, 2004. All items must be curbside prior to 7:00 am.

### **ELECTION INSPECTORS**

A motion was made by Trustee Parker, seconded by Trustee Vernon, that the Mayor be authorized to hire three election inspectors for the June 15, 2004 Village Election upon verification of qualifications of the candidates.

Vote of the Board: Trustee Hays – aye  
Trustee du Pont – aye  
Trustee Parker – aye  
Trustee Vernon – aye  
Mayor Kroeber – aye

The motion was passed by a 5-0 vote.

**WEE WAH BEACH CLUB** – Trustee du Pont asked about the status of the Wee Wah Beach Club. Mayor Kroeber stated that traditionally, since 1934, the Club has been open to all Village residents and to Hamlet residents only. The Club's current three-year lease is up for renewal at the end of the 2004 season. The Village leases the Wee Wah Beach area to the Wee Wah Beach Club from Memorial Day to

Labor Day. In the lease agreement, the Village has certain rights and a vested interest in the way the Club operates for the benefit of all its members. He further stated that last year he had received a number of comments and some complaints regarding the operation of the Beach Club. At that time the Board of Trustees established the Wee Wah Beach Club Advisory Committee (three Village resident members and three Hamlet resident members) to review the operations, policies and practices of the Beach Club and to make recommendations for improvements to the Board of Trustees. The Committee's conclusion, as stated in their report to the Board, is that they must agree to disagree on the definition of both the key issues and solutions. The Trustees will continue to work on the issues.

**FISHING CLUB** – Mayor Kroeber asked that Trustee Parker be the liaison to the Wee Wah Fishing Club.

**AUDIT OF BILLS**– Bills in the amount of \$105,032.52 for the General Fund, claim numbers 4-1 to 4-98 and \$16,006.20 for the Water Fund, claim numbers W4-1 to W4-13 were audited and ordered paid.

#### **ADJOURNMENT**

A motion was made by Trustee Vernon, seconded by Trustee du Pont, that the meeting be adjourned at 9:55 p.m. The motion was passed by a 5-0 vote.

Respectfully submitted

Deborah A. Matthews  
Village Clerk-Treasurer