

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES  
AUGUST 18, 2004**

The regular monthly meeting of the Board of Trustees was held on Wednesday, August 18, 2004 at 7:30 p.m. in the Village Hall, Lorillard Road, Tuxedo Park, NY.

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

Clerk: Deborah Matthews

Also: John Ledwith, Richie Morrow, James Sweeney (Village Attorney), Sally Sonne, Barbara du Pont, Lucy Edwards, Joan Alleman, Andres Sanchez (Ambulance Corps), Frank DeChino (Rockland Paramedics), Ben Farrell (Attorney for Tuxedo Partners), Gene Boshes, Dave Higgins, and others from Tuxedo Partners.

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 du Pont, seconded by Trustee Hays that the minutes of the July 21, 2004 Board of Trustees Reorganization 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 Hays, seconded by Trustee Parker that the minutes of the July 21, 2004 monthly Board of Trustees Meeting be approved.

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.

**PRESENTATION – TUXEDO PARTNERS**

Ben Farrell, Attorney for Tuxedo Partners, presented a proposal to build 12 homes on Pine Road (formerly known as the Mayflower project). Since the NYSDEC has imposed a sewer moratorium for the Village, Tuxedo Partners is asking for the Village's approval and support to go to the NYSDEC with an

application for a sewer line extension. The DEC requires the Village's authorization before the DEC would consider reviewing the application because of the moratorium. The Board was in agreement that they would not grant permission for Tuxedo Partners to proceed to the DEC. Since there are currently other developers requesting hookup to the Village sewer system, in particular Sterling Place Development with 65 homes, the Board feels it unfair to favor one developer over another. In addition, the Village wants to avoid the risk of the DEC requiring us to accelerate our I&I work which would involve accelerating our costs. As a result, the Board requested that the Board of Architectural Review/Planning Board continue to review Tuxedo Partners building plans. The Trustees will revisit their DEC application in a year. The developer's time schedule should by then coincide with our I&I timetable completion.

## **PUBLIC PARTICIPATION**

Ambulance Corps: Andres Sanchez, Tuxedo Ambulance Corps and Frank DeChino, Lt. - Rockland Paramedics, gave a presentation on the need for volunteers in the Tuxedo Ambulance Corps. Their biggest need is for drivers, who must also be CPR certified. He explained why the concept of using DPW employees (Town or Village) or Police (Town or Village) would not work. Part of the problem also stems from the lack of funding. The Town of Tuxedo is reluctant to create an ambulance district that would allow for payment of qualified personnel. They asked for the Village Board's help in finding a solution. Mayor Kroeber asked that Trustees Vernon and du Pont work with the ambulance corps.

Damage to Village Property: Trustee Vernon asked Attorney Sweeney about the issue of requiring non-Village residents to pay for any damage that they may cause to Village property. Attorney Sweeney advised the Board not to take a vote on the matter.

**ENGINEER'S REPORT** - The Civil Technologies & Engineering report was received and read by Trustee Parker. A discussion was held on the need to re-televise some sewer lines.

**DPW REPORT**– A copy is attached. A discussion was held on the need to address some drainage issues throughout the Village.

**POLICE REPORT** – The report was received by the Board. A copy of the synopsis is attached.

## **BUILDING PERMITS**

A motion was made by Trustee Hays, seconded by Trustee du Pont, that the building permit application of Beth Glynn, 316 West Lake Road, for removal of a framed shed at a cost of \$3,000, be approved.

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.

## **OLD BUSINESS**

**ENVIRONMENTAL ADVISORY COMMITTEE** – Trustee Hays stated there is nothing new to report at this time.

**BEAUTIFICATION ADVISORY COMMITTEE** – Mayor Kroeber reported on the Committee meeting that was held on August 3<sup>rd</sup>. A copy of the minutes is attached. The next meeting will be on September 14<sup>th</sup>.

**WILDLIFE ADVISORY COMMITTEE** – Trustee Vernon reported that he has researched various ways to eliminate the Canadian Geese problem in the Park. Some suggested methods are temporary stanchions, adding of the eggs (\$50 per nest), or roundups to capture and kill. Sally Sonne stated that there are three weeks in September where hunting them is legal in the Village with a permit and that birdshot is legal in the Village. Since birdshot is #7 or #9 and not effective in killing, a resolution should be made by the Board to legalize #2. Further discussion will be held at the September Trustees meeting.

## **NEW BUSINESS**

### **EFC LOAN APPLICATION**

A motion authorizing the Mayor to sign, execute and file an application and other documents necessary for the Village's sewer system rehabilitation financing through the NYS Environmental Facilities Corporation under the Clean Water State Revolving Fund (CWSRF) in the amount of \$553,843 as approved in the Bond Resolution passed by the Board of Trustees on July 19, 2000 was made by Trustee Vernon and seconded by Trustee du Pont.

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

The motion was passed by a 5-0 vote. A copy of the complete resolution is attached.

### **PLANNING BOARD/BAR MEETINGS**

A motion was made by Trustee du Pont, seconded by Trustee Hays, that upon recommendation of the Planning Board/Board of Architectural Review, the monthly meetings be changed from the first and third Monday of the month at 8:00 p.m. to the first and third Tuesday of the month at 7:30 p.m.

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.

**DEPUTY BUILDING INSPECTOR APPOINTMENT** – Mayor Kroeber stated that due to the NYSDEC mandated smoke testing of house drains to determine whether they are connected to the Village sewer system, it necessitates the water department going onto private property. Therefore, DPW Superintendent Richie Morrow needs to be appointed a deputy building inspector.

A motion was made by Trustee Vernon, seconded by Trustee Parker, that Richard Morrow, DPW Superintendent, be appointed Deputy Building Inspector, effective immediately.

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

The motion was passed by a 5-0 vote.

**DELINQUENT WATER BILLS** – Mayor Kroeber stated that unpaid water bills for Village residents are levied annually in May and appear on the Village Tax Bills in June. Since the Village has no taxing authority in the Hamlet, outstanding water bills and the penalties, which are 10% on the quarterly open balance, continue to accrue. The Village's only alternative to collection is to turn off the homeowner's water. There are currently 86 overdue Hamlet water bills totaling \$54,779, of which \$25,756 is accrued penalties. As an inducement for all water customers, Village and Hamlet, to bring their accounts current, the Board has agreed to offer an amnesty period of 90 days, beginning September 1<sup>st</sup> and ending November 30<sup>th</sup>. This will be a one time only offer for a reduction in the accrued penalties to 10% of the amount owed. The total bills due include the outstanding water charges plus the reduced penalty.

A motion was made by Trustee du Pont, seconded by Trustee Hays, that the Village institute a one time only 90-day amnesty, from September 1<sup>st</sup> through November 30<sup>th</sup>, on outstanding water accounts for Village and Hamlet water customers. Current outstanding water charges plus 10% of the current outstanding penalty is due.

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.

**AUDIT OF BILLS** - Bills in the amount of \$105,381.45 for the General Fund, claim numbers 8-1 to 8-92 and \$56,891.54 for the Water Fund, claim numbers W8-1 to W8-19 were audited and ordered paid

**ADJOURN TO EXECUTIVE SESSION** – A motion was made by Mayor Kroeber, seconded by Trustee du Pont, that the Board adjourn to Executive Session at 9:25 p.m. to discuss a specific personnel issue and litigation. The motion was passed by a 5-0 vote.

**REOPEN REGULAR SESSION** – The regular session was reopened at 9:40 p.m.

#### **ADJOURNMENT**

A motion was made by Trustee Vernon, seconded by Trustee du Pont that the meeting be adjourned at 9:45 p.m. The motion was passed by a 5-0 vote.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer