

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
OCTOBER 19, 2005
7:30 P.M.**

Present: Mayor David C. McFadden
Deputy Mayor Russell Vernon
Trustee Christopher Hansen
Trustee Nancy Hays
Trustee Oliver Parker

Clerk: Deborah Matthews

Also: Donna Coogan and Glen Vetromile from Related Companies,
Deputy Chief Culhane, Richard Morrow, Peter Regna, Susan Goodfellow, Chris & Sally
Sonne, Susan & Alan Heywood, Audrey & Jack Perry, Mary Jo & Claude Guinchard,
Siobhan Hansen, Tom Salierno, Jake Lindsay, Jim Hays, Uli Pendl, Mary Graetzer,
Charles Markarian, and others.

Mayor McFadden called the meeting to order and asked Deputy Chief Culhane to lead the Pledge of Allegiance.

MINUTES

A motion was made by Mayor McFadden that the minutes of the September 21, 2005 Board of Trustees Meeting be approved as revised.

Vote of the Board: Trustee Hays – aye
Trustee Parker – aye
Trustee Hansen – aye
Deputy Mayor Vernon – aye
Mayor McFadden – aye

The motion was passed by a 5-0 vote.

PRESENTATION – RELATED COMPANIES/TUXEDO RESERVE

Glen Vetromile, Related Companies, gave an update of the Tuxedo Reserve development that was approved by the Town of Tuxedo. He distributed a timeline showing approvals issued to date. Phase I approval is projected for sometime next year. A copy of the Update Memorandum and Parcel Location Map is attached. A discussion followed and some issues raised were transfer of the Fox Hill tract (D, G, and Q when Phase I approvals are granted), underground utilities, designation of a recreation area to the Town, etc.

REPORTS

DPW – A copy of the report is attached. Mr. Morrow is obtaining quotes for road sand. Road salt is a NYS bid. Damage expenses from the recent rainstorms are limited to employee overtime.

POLICE – A synopsis is attached. Mayor McFadden noted that he printed notices regarding speeding and asked the Police to distribute them to vendors and delivery drivers who come through the front gate.

COMMITTEES

ENVIRONMENT AND WILDLIFE COMMITTEE – Deputy Mayor Vernon stated that the next meeting will be held on October 22nd. A report will be given to the Board next month.

EMERGENCY DISASTER ADVISORY COMMITTEE – Deputy Mayor Vernon stated that a Committee is being formed. The goal will be to review the existing plans and make needed changes with a focus on Risk Assessment and Risk Mitigation, EAP Activation and Notification, Resident Safety and Accountability, and Recovery Operations.

FIRE AND SAFETY ADVISORY COMMITTEE – Mayor McFadden read a statement submitted by David du Pont, Chairman of the Fire and Safety Advisory Committee. A copy is attached. Committee members are Peter Arrighetti, Gardiner Hempel, and Jim Hickey. All four are NYS trained firemen and Peter is the Village Fire Inspector. The Committee will identify and mark all tree limbs and shrubs that are overhanging public roads. A report will be submitted to the Board and Mr. Morrow. The Village will notify the appropriate property owners.

TRUSTEE LIAISON – Mayor McFadden asked Trustee Parker to be the liaison to the Beautification Advisory Committee and Orange & Rockland. He also asked that Trustee Parker, along with Susan Goodfellow, work with the Tuxedo Club regarding the Tuxedo Dam.

UNFINISHED BUSINESS

JULY 20, 2005 REORG MINUTES

A motion was made by Mayor McFadden that the typographical error in the minutes of the July 20, 2005 Reorganization Meeting be corrected to reflect the appointment of Deputy Chair of the Planning Board/BAR as “Hold Over” and not “One Year” as incorrectly transcribed from the Clerk’s notes.

Vote of the Board:

- Trustee Hays – aye
- Trustee Parker – aye
- Trustee Hansen – aye
- Deputy Mayor Vernon – aye
- Mayor McFadden – aye

The motion was passed by a 5-0 vote.

TUXEDO CLUB BOAT DOCKS – Mayor McFadden stated that Sam Bornstein sent a letter a couple of weeks ago asking for assistance regarding the Tuxedo dock expansion that the Board of Trustees approved by a majority vote at its May 2005 meeting, and at this point the BAR can go through the aesthetic review process.

TOWN BUDGET PROPOSAL – Mayor McFadden noted that the Trustees received a copy of the Town’s Tentative Budget. A discussion followed. Trustee Hansen stated that he will be meeting with the Town next week to discuss their budget.

PUBLIC COMMENTS

Town Budget: Chris Sonne stated that a study was done in 1992 regarding the Town's budget. The conclusion was that a lot of items that appear unfair are statutory and what seems logical is not according to NYS law.

Peter Regna: Questioned whether any Trustees or the Mayor have met with potential subdividers. Mayor McFadden responded that he and Trustee Hansen met with Lou Heimbach just to introduce themselves. He also stated that, at the applicant's request, he, Sam Bornstein, Mike Donnelly, and Jim Sweeney, met with Tuxedo Partners.

NEW BUSINESS

PROPERTY TAX ASSESSMENT – A discussion followed on the pros and cons of assessing the Village parcels in one-third intervals every three years. The matter was tabled.

WATER BILL REQUEST – Mayor McFadden stated that a letter was received from Cobb & Cobb, who represent Brenda Miller, 9 River Road, Tuxedo, asking for relief on an \$11,083.51 water bill (\$3,817.66 principal and \$7,265.85 in penalties) for her property that is being sold. An offer of a \$5,000 settlement was made by Cobb & Cobb. Trustee Vernon recommended the Board accept the offer.

A motion was made by Trustee Vernon that the Village accept the offer of a lump sum payment of \$5,000 to settle the water account of Brenda Miller, 9 River Road, on the condition that the property sale goes through, and that if the house is not sold, the bill goes back to the original amount of \$11,083.51.

Vote of the Board: Trustee Hansen – aye
Trustee Hays – aye
Trustee Parker – aye
Deputy Mayor Vernon – aye
Mayor McFadden – aye

The motion was passed by a 5-0 vote.

PB/BAR ATTENDANCE – Mayor McFadden presented a motion that would require PB/BAR members' attendance to mirror the requirements of the already adopted procedure for the BZA, Village Code Section 101A. A copy is attached. A discussion followed and the Trustees agreed that input from the BZA and BAR were needed before proceeding.

BID FOR #2 HEATING OIL

A motion was made by Mayor McFadden that the Village Clerk be authorized to advertise for bids on #2 heating oil for the Village facilities and that the bid opening date be set for Monday, November 14, 2005 at 2:00 p.m.

Vote of the Board: Trustee Parker – aye
Trustee Hansen – aye
Deputy Mayor Vernon – aye
Mayor McFadden – aye
Trustee Hays – aye

The motion was passed by a 5-0 vote.

SUPPLYING WATER TO STERLING PLACE – Mayor McFadden stated that a letter was received from Sterling Forest LLC demanding the Village supply the proposed 63-home development with water. Sterling Forest is claiming a right to water based on a 1953 order by the former Water, Power and Control Commission that was included in the 1979 Tuxedo Lake annexation agreement with the Town of Tuxedo. The matter will be tabled until a final legal clarification is received.

STERLING FORGE DEVELOPMENT– Mayor McFadden stated that several public hearings by the Town of Tuxedo on the 107-home Sterling Forge development have been held. Some of the issues the Town still needs to address are environmental, blasting, tax impact, watershed impact, rattlesnakes, etc. The Mayor invited anyone to submit material to him so that a letter can be written to the Town. The discussion was tabled.

STOCKING OF LAKE – Mayor McFadden stated that he was asked by the Tuxedo Club to have the Village contribute to the cost of stocking Tuxedo Lake. A discussion followed. Mayor McFadden asked that Trustee Parker look into the matter.

PB/BAR REPLACEMENT – Mayor McFadden stated that Rob Norden verbally resigned from the PB/BAR and that he will appoint a replacement by next Monday. Trustee Hansen requested that Mr. Norden's resignation be submitted in writing.

BUILDING PERMITS/FINES – Mayor McFadden stated that there are projects being done throughout the Village without a building permit, and issues such as safety are being skirted. He stated that warnings have been in his newsletter for several months and he recommended that as of January 1st violators be issued appearance tickets and fines by the Building Inspector, DPW Superintendent or Police. Trustee Hansen suggested a letter be mailed to all residents informing them. A discussion followed. The matter was tabled until the next meeting.

PUBLIC COMMENTS

Sterling Forge: Mary Graetzer suggested the Board submit their comments to the Town as soon as possible as the deadline is November 2nd.

Tuxedo Lake Dam: Susan Goodfellow re-iterated the importance of the Village getting involved in resolving the issue of liability of the dam and its maintenance. Over the years, the Village has assumed responsibility for the dam even though it does not own it. She recommends the Trustee liaison speak with Attorney Sweeney as he's the one who initiated the research into the dam's ownership.

Tunnel: Mr. Morrow stated that the tunnel that goes under the road from Tuxedo Lake is owned by the Tuxedo Club and is in need of joint grouting. The work should be done in the summer during dry weather. He also noted that the dam is not solely owned by the Tuxedo Club.

Appointments: Susan Goodfellow stated that she hopes the Mayor will not be changing the procedure in making appointments to various committees and boards and that the Mayor not stop seeking the counsel of fellow Trustees and board members. It has always been a tradition that the Mayor seeks counsel from the Trustees and from the boards that are going to be receiving the appointment.

PB/BAR Attendance: Peter Regna stated that it's a good idea to have minimum requirements for attending meetings, since there are usually over 20 applicants on the agenda a one time. In addition, each member is given 5 or 6 applications to become familiar with, and if a member does not show for a meeting for his applicants, it slows the process.

Sterling Place Water: Peter Regna stated that before all the rain we received in the last week, Tuxedo Lake was down about two feet, which also affects the level in the other two lakes. He feels that the Village should conserve the water that we have and it should be a last resort revenue source. He asked that the Trustees protect that natural resource that we have.

Fines for Building Violations: Peter Regna stated that in regard to building permit violations, it may be difficult for the Police or Richie Morrow to determine which projects might have a permit and which don't. However, some type of enforcement is needed.

Transition Advisory Committee: Peter Regna asked what happened to the invitation that was given to the BAR members to serve on the TAC Committee (and to find copies of other municipality's zoning guidelines). At the last meeting the invitation was totally reversed. Mayor McFadden responded that he is the liaison to the TAC. The current PB/BAR is extremely busy dealing with multiple applications, so it makes sense to have a team of people working in parallel with the PB/BAR. The TAC can then consult with the PB/BAR making it a more productive scenario than forcing current PB/BAR members to be on the TAC. Peter Regna asked if the decision was made at a meeting or unilaterally by one of the Trustees. He asked what the process is as he has attended all of the meetings, hasn't heard it discussed, and yet there is a roster of committee members. Mayor McFadden responded by asking if Mr. Regna is referring to the process of the people that the Mayor chose.

Website Policy: Uli Pendl asked where the website policy is and hopes it will be available to the residents as soon as possible.

Agenda: Uli Pendl asked that the agendas be put on the website early enough so that people who live in the city can come out to participate in the meetings. If he had known that the disaster-planning meeting would result in the creation of committees, he would have attended. Jake Lindsay also stated that the agenda posted on the website the morning of the special meeting had nothing to do with the appointments made at that meeting. Mayor McFadden responded by saying the agendas state "any business that comes before the Board can be added to the new business agenda after the agenda is printed". A discussion followed.

Dam and Assessments: Chris Sonne reinforced what Susan Goodfellow said about the dam. In 1903 the dam was almost overtopped. In 1981 the dam was declared unsafe by the Army Corps of Engineers. He has a complete file on the dam up until 1990 if anyone wishes to look at it. He also stated that, in his opinion, the best way to go regarding assessments would be to use the Town's assessments and forget about having a separate Village assessment. If you don't, you must do it in the same manner as the Town and the way every other professional does, which is to set everybody once in the whole Village and then let the RAR act. Then every year the assessor would deal only with new buildings, new garages, etc. which might affect the value and review everything every five years.

Water Rates: Sally Sonne stated that a few years ago people were bemoaning the high water rates and that the Village should get more customers. She asked Mr. Morrow if the lake and water plant could handle more customers. Mr. Morrow stated that the water plant can handle 2 million gallons of water a day, but the water is still traveling through undersized water mains. The problem is not the filtration plant or the tanks or reserves. Also, there is a greater demand now because of all the new sprinkler systems being put in. When they are on, the low areas draw all the high areas down. It's been critical every summer, and it's getting worse. The lake can be full, but you still have the same problem.

BUILDING PERMITS

A motion was made by Deputy Mayor Vernon that approval be given for lifting the stop work order for Classic Buildings, LLC, Cliff Road, Tax Map No. 106-1-75.2, in order to permit punch list items as amended on September 21, 2004 to be performed as stipulated by the Planning Board/Board of Architectural Review and approved at their October 18, 2005 meeting.

Vote of the Board: Trustee Hansen – aye
Mayor McFadden – aye
Trustee Hays – aye
Trustee Parker – aye
Deputy Mayor Vernon – aye

The motion was passed by a 5-0 vote.

A motion was made by Deputy Mayor Vernon that the building permit application of Gardner Grout, 4 Butternut Road, Tax Map No. 106-1-52, for the installation of an air conditioner condenser at a cost of \$9,000 be approved.

Vote of the Board: Mayor McFadden – aye
Trustee Parker – aye
Trustee Hays – aye
Trustee Hansen – aye
Deputy Mayor Vernon – aye

The motion was passed by a 5-0 vote.

AUDIT OF CLAIMS – Bills in the amount of \$101,450.23 for the General Fund, claim numbers 10-1 to 10-90, and \$12,374.48 for the Water Fund, claim numbers W10-1 to W10-11 were audited and ordered paid.

ADJOURNMENT TO EXECUTIVE SESSION

A motion was made by Mayor McFadden, seconded by Trustee Hansen, that the Board adjourn to Executive Session at 9:30 p.m. to discuss a Village employee matter. The vote was 5-0 in favor of adjourning.

ADJOURNMENT

A motion was made Mayor McFadden that the meeting be adjourned at 10:00 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer