

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
SEPTEMBER 21, 2005**

Present: Mayor McFadden
Deputy Mayor Vernon
Trustee Hansen
Trustee Hays
Trustee Parker

Clerk: Deborah Matthews

Also: Michael Grant (O&R Rep), John Ledwith, Richard Morrow, Deputy Chief Culhane, Lucy Edwards, Sally Sonne, Philip Lobkowitz, Robin McFadden, Brian Colwell, Susan Goodfellow, Robert Curry, Lili Neuhauser, Audrey & Jack Perry, Peter Simonetta, Jim Hays, Mary Graetzer, Jake & Michele Lindsay, Joan Alleman and friend, Jim Burger, Claudio Guazoni, Peter Regna, Claude Guinchard, Charles Cathcart, Kathy Norris, Denise Tavani, Celeste Gebhardt, John Moon, Joanne Vernon, Christina Tremblay, and others

Mayor McFadden called the meeting to order at 7:30 p.m. and led everyone in the Pledge of Allegiance. He announced that in addition to a 30-minute Public Comment Period on New Agenda Items, a second 15-minute Public Comment Period has been added to today's agenda right after all of the New Business has been completed. During this period the audience is invited to comment on any item in general regarding Village matters.

SPECIAL MEETING

Mayor McFadden announced that the Board of Trustees will be holding a special meeting on October 12, 2005 at 7:30 in the Village Office to discuss the Village's Disaster Plan.

MINUTES

A motion was made by Deputy Mayor Vernon, seconded by Trustee Hansen that the minutes of the August 17, 2005 Board of Trustees meeting be approved.

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

The motion was passed by a 5-0 vote.

REPORTS

PRESENTATION – ORANGE & ROCKLAND UTILITIES

Mayor McFadden welcomed Michael Grant, O&R Community Relations Manager, who is replacing previous manger Kimberly Campbell.

Mr. Grant distributed a Tuxedo Park Outage Analysis for the period January 2004 through August 8, 2005 (copy attached). He discussed the various reasons for brownouts and power failures in the Village,

which include equipment failure, accidents, tree limbs, central air conditioner draw, animals, etc. He also stated that many homeowners are resistant to trees on their property being trimmed around the wires. The resistance causes delays in the tree crews doing their job and moving on to the next property. He emphasized the need for the Village Police and DPW to report problems as soon as possible to give street numbers, pole numbers, and cross streets.

Several residents in the audience asked questions and challenged O&R's methods and response time.

Mr. Grant thanked everyone for allowing him to make the presentation and will be working closely with the Village to remedy the problems.

CERTIFICATE OF APPRECIATION

Mayor McFadden presented a Certificate of Appreciation to Christina Tremblay, representative of the Town of Tuxedo Chamber of Commerce, in recognition of the Chamber bringing the Tuxedo Farmers Market to Tuxedo.

VILLAGE WEBSITE POLICY

Trustee Hansen reported on the various issues already addressed regarding the website. The revised draft policy will be circulated to the Trustees and tabled until the October 12th meeting.

WATER PRESSURE

Trustee Parker reported that the drought conditions do not have an effect on water pressure in the Village. The low pressure is caused by the many sprinkler systems that turn on during peak demand periods. Sprinklers should be timed to come on very, very late at night. If there is a fire in the high elevation areas, pumper trucks are automatically called in by the fire department.

RAMAPO RIVER WATERSHED

Trustee Hays reported that she has sent a letter to Town of Ramapo Supervisor Christopher Lawrence asking him to attend a Trustees Meeting and explain the Ramapo River Watershed Intermunicipal Council (copy attached).

SOS FUELS

Mayor McFadden reported that he sent a letter to the Town of Tuxedo expressing the Village's objection to SOS Fuels' proposed 30,000-gallon propane tank (copy attached). A discussion followed.

COMMITTEES

ENVIRONMENT & WILDLIFE COMMITTEE

Trustee Vernon reported that a meeting of the Committee was held on September 10th. Topics discussed were forest protection, wildlife management, deer, geese, bear, etc. A discussion followed.

VILLAGE SERVICES

DPW – A copy of the report is attached.

Mr. Morrow reported that all hydrants in the Village are in working order. Work continues on road resurfacing. Discussed was the possible replacement of the Tuxedo Road guide rail with boulders because of costly alternatives.

POLICE REPORT – A copy of the synopsis is attached.

A discussion was held on the need for stricter enforcement of the speed limit. It was suggested a notice be put on the Village Website and a flyer stating the speed limit be given to trucks and delivery drivers when they come through the front gate.

UNFINISHED BUSINESS

Mayor McFadden stated that some issues were raised at the August 17th public hearing and the following are to be included in the record.

Mr. Lindsay's letter of August 2005 regarding Local Law #2 in which he feels the form of the resolution passed on August 17th is not the form that was presented. A copy of his letter is attached. Also attached is Attorney Sweeney's response dated August 30, 2005.

Susan Goodfellow had commented that Deputy Mayor Vernon should recuse himself from voting on Local Law #2 and #3 because he is currently before the PB/BAR with an application to remodel his home. Attached is a copy of Attorney Sweeney's 'Conflict of Interest' opinion dated August 15, 2005.

As a result of the passing of Local Law #2, the Trustees asked the members of the PB/BAR if they would prefer to serve on the Planning Board or the BAR. Mrs. Gebhardt responded and indicated that she would like to serve on the BAR. A copy of her September 8th letter is attached. Also attached is a copy of Chairman Bornstein's letter dated September 7th in which he states that while he and three other members of the Planning Board recognize two independent boards, they will continue to serve on both boards until their terms expire. Attorney Sweeney's September 14th response to Mr. Bornstein's letter is attached.

PUBLIC COMMENTS

Jim Hays: Read a letter sent to him from the Preservation League of New York State regarding the combined Planning Board/BAR. A copy is attached.

Jake Lindsay: The Town of Tuxedo Planning Board holds a 'TAC' meeting once a month whereby the engineer, building inspector, planning board members, the applicant's architect, etc. meet to discuss the projects. The meeting helps to speed the approval process along.

NEW BUSINESS

TRANSITION ADVISORY COMMITTEE

Mayor McFadden stated that in an effort to provide a public and open forum to (a) formulate the Design Guidelines, (b) improve upon the existing Planning Board/BAR process and (c) to insure that the independent Planning Board and BAR have clear and defined duties and are in the best position to uphold the high standards of Tuxedo Park, the Trustees will discuss creating a Transition Advisory Committee. During the six-month transition period he will invite the current Planning Board members and also supplement the Committee with 5 or 7 interested people. This will provide a training period by having the senior members there.

Deputy Mayor Vernon recommended there be 7 additional members in addition to the 5 current members, which allows more than 5 people to go through the process. Trustee Parker was in agreement.

Trustee Hays stated that Chairman Bornstein is in agreement with a Transition Advisory Committee and sent a letter dated September 21st stating same.

A motion was made by Mayor McFadden that a Transition Advisory Committee be created.

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

The motion was passed by a 5-0 vote.

Mayor McFadden stated that a Committee will be appointed at the October 12th Special Meeting which will include the existing Planning Board Members (if they so desire) and up to five or seven members as the candidate vetting process moves along. Possible candidates are being asked to send a letter of intent, statement of qualifications, and resume. The Committee will set the schedule of its meetings.

FINANCIAL ADVISORY COMMITTEE

A discussion was held regarding the creation of a Financial Advisory Committee who will be tasked with reviewing the Village budget and expenditures. Trustee Hansen suggested there be 5 members with varied financial backgrounds.

PATRIOT PLAN

A motion was made by Mayor McFadden that under Real Property Tax Law Section 925-d as adopted by the County of Orange, the Village hereby authorizes the 90-day extension of real property tax collection of County taxes on parcels within the Village of Tuxedo Park for persons deployed by the military under the Patriot Plan as a result of the conflict in the Middle East.

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

The motion was passed by a 5-0 vote.

PRE-PAYMENT PLAN FOR SUBURBAN PROPANE

A motion was made by Mayor McFadden that the Village of Tuxedo Park enter into a one-year prepayment plan with Suburban Propane for supplying propane to the DPW Shop, Sewer Plant and Police Generator at a cost of \$1.77 per gallon (current pricing is \$2.03 per gallon.).

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

Trustee Parker – aye
Mayor McFadden – aye

The motion was passed by a 5-0 vote.

GASOLINE TAX

A motion was made by Mayor McFadden that the Board of Trustees send a letter to Governor Pataki requesting action to temporarily suspend or reduce the New York State gasoline road tax.

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

The motion was defeated by a vote of 3-2.

BULK PICKUP

Mayor McFadden announced the Bulk Pickup day will be Saturday, October 15th. Items should be out the night before.

PUBLIC COMMENTS

Bob Curry: Someone goes through the Village at night and picks through the items put out for the bulk pickup. Chief Culhane stated that in most instances it is Village residents and he will alert his staff.

Alan Heywood letter dated September 15th regarding the Beautification Committee was read by Bob Curry. A copy is attached.

Racetrack: The leaf and brush dump at the racetrack area will be moved to the Fox Hill Tract when the final documents with Tuxedo Reserve/Related Companies are signed. Trustees Hays stated that former Mayor Kent Kroeber had recommended to the new Board of Trustees that Peter Regna continue to be the liaison with Tuxedo Reserve since he has spent nine years working on the documents and is very familiar with all the details of the various agreements.

Susan Goodfellow: In response to her comments made at the August 17th meeting regarding the recusal of Deputy Mayor Vernon and other issues, she read her statement dated September 21, 2005. A copy is attached.

Mary Graetzer: Objected to items that were posted on the Website being changed. A discussion on official records followed.

Michele Lindsay: Clarified some statements and false accusations made at the August 17th Trustees meeting. She emphasized the accomplishments of the Beautification Committee. Bob Curry did also and asked that the Committee be re-established.

BUILDING PERMITS

A motion was made by Deputy Mayor Vernon, seconded by Trustee Hays, that the building permit application of David and Maureen Kroning, 20 West Lake Drive, for construction of a 2-car detached garage at a cost of \$50,000 be approved.

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

The motion was passed by a 5-0 vote.

A motion was made by Deputy Mayor Vernon, seconded by Trustee Hays that the building permit application of Philip and Jayne Mengel, West Lake Road, for replacement of an existing single family dwelling at a cost of \$1,500,000 be approved.

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

The motion was passed by a 5-0 vote.

A motion was made by Deputy Mayor Vernon, seconded by Trustee Hays that the building permit application of Greg and Lucienne Van Schaack, 55 Mountain Farm Road, for the addition of a conservatory to their single family dwelling at a cost of \$35,000 be approved.

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.

APPROPRIATIONS

A motion was made by Deputy Mayor Vernon that in the General Fund Budget, \$20 be transferred from 8130.4A Sewage Contractual to 8130.2A Sewage Equipment and \$3,600 be transferred from 3120.4A Police Contractual to 3120.2A Police Equipment.

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

The motion was passed by a vote of 4 ayes and 1 abstention.

AUDIT OF CLAIMS

Bills in the amount of \$267,594.28 for the General Fund, claim numbers 9-1 to 9-96 and \$127,442.77 for the Water Fund, claim numbers W9-1 to W9-17 were audited and ordered paid.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden that the meeting be adjourned to Executive Session at 10:40 p.m. to discuss a Village Employee matter. The vote was 5-0 in favor of adjourning to Executive Session.

APPOINTMENT

A motion was made by Mayor McFadden, upon the recommendation of Deputy Chief Culhane, that Kenneth Sanford, Tuxedo Police Department, be promoted from Police Officer to Police Sergeant on a probationary basis, effective immediately, with the proviso that the salary increase not take effect until March 1, 2006 (the 4th Quarter of the Village's fiscal year), with no retroactive pay, and that Mr. Sanford sign a document agreeing to the conditions.

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

The motion was passed by a 5-0 vote.

ADJOURNMENT

A motion was made by Mayor McFadden that the meeting be adjourned at 11:55 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah Matthews
Village Clerk-Treasurer