

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
SPECIAL MEETING
JULY 27, 2005
7:30 P.M.**

A Special Meeting of the Board of Trustees of the Village of Tuxedo Park was held by the Board of Trustees in the Village Hall, Lorillard Road, Tuxedo Park, NY, on Wednesday, July 27, 2005 at 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: Sheila Pompan, Barbara du Pont, David du Pont, Kathy Norris, Alan Heywood,
Charles Cathcart, Mary Graetzer, Mary Jo Guinchard, Leslie deVore

Mayor McFadden called the meeting to order and led everyone in the Pledge of Allegiance. He stated that the purpose of the meeting is to gather public comments and establish a policy for the Village of Tuxedo Park Website. He further stated that 30 minutes would be allocated for public comment on the subject of the Website.

PUBLIC COMMENTS

Mayor McFadden stated that he obtained some E-mail, Internet and FOIL policy samples from NYCOM. He further stated that currently any e-mail directed to the Trustees is also sent to Debbie to make a hard copy or file in a special e-mail file.

Trustee Hays stated that she also called NYCOM and spoke to Attorney Morgiewicz who said there are no specific Website guidelines at this time, but information on the Website should be non-political and non-commercial.

David du Pont distributed his written comments to the Board. They included 'what a Website should and should not contain' as well as the problem with 'cookies'. A copy is attached.

SUMMARY OF COMMENTS

All the members of the audience made comments. Many concerns were raised and suggestions made. Below is a summary of the comments:

1. Post approved agendas, minutes, notices and official information
2. Restrict information that jeopardizes security of the Village
3. Police and emergency numbers should be posted
4. No commercial links

5. Eliminate real estate company links
6. Restrict access of vital information to residents only with use of password
7. Link to Tuxedo Park School and Baker School acceptable
8. Do not post whether lots are buildable or not. Liable for lawsuits.
9. Do not post number of houses and whether vacant or not. Security breach.
10. Post Village Code
11. Concern about cookies and links to third party
12. Concern about Mayor's Blog and disclaimer
13. No political views or opinions should be allowed
14. Concern that Mayor's Blog may be viewed as representative of whole Village
15. Bloggers should not be anonymous
16. Who will do all the inputting
17. Items edited and acceptable to the whole Board of Trustees
18. Concern about hard copy of e-mails and filing of Village related correspondence

In response to the suggestions, Mayor McFadden stated that until a definitive policy is established, in the interim he will remove all the commercial links, he will remove all the items that pertain to a breach of security, and he will arrange to have the policy changed so that cookies cannot be shared.

Mayor McFadden asked Trustee Hansen and Trustee Hays to work on drafting a Website policy and called for a motion.

A motion was made by Deputy Mayor Vernon that Trustee Hays and Trustee Hansen formulate an internet policy to present to the Board at the August 17, 2005 Village Board of Trustees Meeting.

Vote of the Board:

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

The motion was passed by a 5-0 vote.

Trustee Hansen and Trustee Hays were each given a copy of the gathered research materials for their reference in formulating a policy.

ADJOURN TO EXECUTIVE SESSION – A motion was made by Mayor McFadden, seconded by Trustee Hansen, that the meeting be adjourned to Executive Session at 8:25 p.m. to discuss the Costello Lawsuit. The vote of the Board was 5-0 to adjourn.

COSTELLO LAWSUIT SETTLEMENT

A motion was made by Mayor McFadden that the Costello Lawsuit be settled according to the following terms:

1. Sewer Services – Defendant VILLAGE OF TUXEDO PARK, NEW YORK, (“Defendant” or “Village”) will use the formula used by the Town of Tuxedo to determine all charges for Plaintiffs BRIAN COSTELLO AND STEPHNEY COSTELLO (“Plaintiffs”). If in the future the Village of Tuxedo Park decides to charge Village

residents directly for the sewer services, then and in that event, Defendant will use the Village formula applied to Plaintiffs in the same manner as the formula is applied to other Village residents.

2. Water Services – Defendants will use the actual water meter reading to determine the charges for Plaintiffs and will charge Plaintiffs the same rates as Village residents.
3. Garbage Services – Defendants will use the Village formula to establish the charge for Plaintiffs. In any event, Defendants will cap the charge to Plaintiffs at 10% above the current Town garbage rate.
4. Administrative – Defendants will invoice the Plaintiffs quarterly each year for sewer, water, and garbage services as well as any other charges, and accept one personal check in payment for same. If in the future Village residents are billed separately for sewer and garbage services, then Plaintiffs will be required to make separate payments in the same manner as other Village residents.
5. Other – Based upon the expenditures of Plaintiffs to date, Defendants will not charge Plaintiffs for sewer services until January 1, 2015 so long as Plaintiffs or one of Plaintiffs immediate family is the primary owner of the house and real property. Any new owner will be subject to sewer service charges using the appropriate formula for any water service charges at the same Village rates and same garbage service charges for all other Village residents then in effect using the Village formula.

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

The motion was passed by a vote of 4-1.

ADJOURNMENT

A motion was made by Mayor McFadden that the meeting be adjourned at 9:15 p.m. The vote was 5-0 in favor.

Respectfully submitted

Deborah A. Matthews
Village Clerk-Treasurer