

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
APRIL 11, 2006
7:30 P.M.**

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

Clerk: Deborah Matthews

Also: Richie Morrow, John Ledwith, Deputy Chief Culhane, Celeste Gebhardt, Mary Graetzer, Michelle Lindsay, Officer McLoughlin, Doug Benedict, Todd Yannuzzi, Jim Jospe, Linda Miller, Patrick Orr, Alan & Sue Heywood, Gardiner Hempel, Robin and Jake McFadden, Greg Gross and others.

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

MINUTES

A motion was made by Mayor McFadden that the minutes of the January 18, 2006 regular monthly Board of Trustees meeting be approved.

Vote of the Board: Trustee Parker – aye
Trustee Hays – aye
Mayor McFadden – aye
Deputy Mayor Vernon – aye
Trustee Hansen – abstain (not present at January meeting)

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

A motion was made by Mayor McFadden that the minutes of the March 15, 2006 regular monthly Board of Trustees meeting be approved as amended.

Vote of the Board: Trustee Hays – aye
Trustee Parker – aye
Mayor McFadden – aye
Deputy Mayor Vernon – aye
Trustee Hansen – abstain (didn't read them)

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

A motion was made by Mayor McFadden that the minutes of the March 28, 2006 Board of Trustees Budget meeting be approved.

Vote of the Board: Trustee Hansen – aye
Deputy Mayor Vernon – aye
Mayor McFadden – aye
Trustee Parker – aye
Trustee Hays – abstain (didn't read them)

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

BUILDING PERMITS – None

REPORTS

POLICE – A copy of the synopsis is attached. It was noted that the time spent assisting the Town of Tuxedo Police was about 6 hours.

DPW – Due to a clerical error, part of the report is missing. A revised report will be circulated and attached to these minutes.

PUBLIC HEARING – 2006-2007 VILLAGE BUDGET

A motion was made by Mayor McFadden, seconded by Deputy Mayor Vernon, that the public hearing be opened at 7:36 p.m. The vote was 5-0 in favor.

Alan Heywood: Questioned budget figures for 1090A, 1120A, 2401A, 2771A, 2772A, 1420A, 14404A and the water fund for 2006-2007. Overall budget seems conservative.

Mary Graetzer: Budget became available this afternoon. There has been no time to study it. Will a vote be taken tonight? What is the explanation for \$12,200 under 1420A for Sterling Place?

Jake Lindsay: It's unfair for the trustees to have had no time to study the budget. It is all the trustees' fiduciary responsibility. Why was the engineering budget, 14404A, cut in view of the I&I work to be done.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Vernon, that the public hearing be closed at 7:40 p.m. The vote was 5-0 in favor of closing.

DISCUSSION – was held by the Trustees

Mayor McFadden: On behalf of the Trustees he thanked Trustee Hansen for doing a good job on the budget as well as Doug Benedict and the other Financial Committee members.

Trustee Hansen: Village Law says the budget must be presented to the Board of Trustees by March 31st and a public hearing held prior to April 15th. The Trustees can listen to the comments and if they need more time, can do another budget and then adopt it. It must be adopted by May 1st. He explained the reasons for the increase or decrease in the budget figures presented as compared to the 2005-2006 budget.

WATER RATE INCREASE

Trustee Hansen: Revenues in the water fund are not meeting expenses, and for a few years there has been a yearly deficit. With the help of Deputy Clerk John Ledwith, he prepared a financial model for every water customer's usage on a quarterly basis for the past year so that the Trustees could analyze different rate increase scenarios. Some options presented were: adding an administrative fee, raising the minimum usage, increasing residential and commercial rates, and creating a surcharge for high consumption.

After a lengthy discussion by the Trustees,

A motion was made by Trustee Hansen, seconded by Mayor McFadden, that the water rates for water customers in the Village's water company be raised by 20% per thousand gallons for both residential and commercial accounts, effective July 1, 2006.

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

The motion was passed by a 5-0 vote.

WATER BUDGET

Trustee Hansen: With the rate increase just adopted, the metered water sales revenue in the water budget can be changed to \$560,000 and appropriated surplus to \$2,869, resulting in the expenses and revenues balancing.

A motion was made by Trustee Hansen, seconded by Mayor McFadden, that the water budget be adopted as amended and presented in the April 11, 2006 draft.

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

The motion was passed by a 5-0 vote.

GENERAL FUND

Trustee Hansen: Budget number 1081A, which represents the payment in lieu of taxes for sewer from the Tuxedo Park School, has been increased based on average water consumption of the school.

Deputy Mayor Vernon: Because Village DPW employees rent the two Village properties and are the first defense if something happens, he doesn't feel a large increase should be levied.

Trustee Hansen: The rentals on the garages located at the Village Hall building should be increased.

A motion was made by Trustee Parker that the rent on the 10 garages at the Village Hall building be increased from \$75 per month to \$150 per month, effective June 1, 2006.

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

The motion was passed by a 5-0 vote.

Trustee Hansen: Stated that he put in a 0% increase in the budget for the Village Clerk-Treasurer and Deputy Village Clerk contingent on a discussion by the Board.

After a very lengthy discussion regarding the salaries, it was agreed that a 4% increase would be budgeted.

Further discussion was held on the police budget, salary increases at 0% because of pending contract negotiations, a proposed additional DPW worker, and legal expenses.

A final version of the budget, with the changes discussed tonight, will be posted on the website and another meeting will be held.

Mayor McFadden: Thanked Chris, Doug Benedict, Todd Yannuzzi, Chris Sonne, Mary Jo Guinchard, John and Debbie for their input in preparing the budget.

EXPLANATIONS/CHANGES TO THE GENERAL FUND BUDGET

1081A PAYMENT IN LIEU OF TAXES

The charge to the Tuxedo Park School for sewer charges was increased from \$1,000 to \$9,238 based upon a usage estimate. See Supporting Schedule tab in Budget file.

2401A INTEREST

The estimate for interest income was raised from \$40,000 to \$50,000 to reflect actual results for the current year. This item was reduced back to \$40,000 in the meeting. See note below.

FEES RECEIVED BY VILLAGE 2110A, 2115A, 2771A, 2772A (Revenue item)

These revenue items were eliminated. They represent cash receipts from Village residents that are Since the net effect is zero they have been removed from the budget.

2410A PROP RENTAL

The estimate for rental revenue for the properties owned by the Village and rented out was increased from \$24,000 to \$34,536. The estimate for rents received by the Village was increased from the initial budget due to a decision to raise the rents for the garage spaces at the Village Office from \$75 per month to \$150 per month. See Supporting Schedule tab in Budget

2555A BUILDING PERMITS

Reduced from original budget estimate of \$50,000 to \$45,000 in anticipation of less building in the Village.

121040A MAYOR

This item increased by \$5,000 to reflect the estimated expense for the negotiator for the upcoming Police negotiations. Miss-categorized, this Item will be moved to Professional Consultants.

132510A TREASURER-PERS SERV

Salaries for the two Village Office employees reduced from the original budget request of \$120,890 to \$116,336, which represents a 0% increase from the previous year for discussion purposes. See Supporting Schedule tab in Budget.

312010A POLICE-PERS SERV

Salaries for the Police reduced from the original budget request of \$529,700 to \$502,961, which represents a 0% increase from the previous year in anticipation of the upcoming Police contract negotiations.

312020A POLICE-EQUIP

Amount was reduced from \$18,200 to \$2,000 to reflect projected spending needs.

5132020A MACHINERY-EQUIP

Original budget amount included the cost of a second type of truck solely for comparison purposes. One truck was approved and the alternative option was removed reducing the amount needed for the budget line item from \$82,120 to \$37,500.

817010A STREET CLEANING-PERS SERV

Amounts reduced from \$398,661 to \$349,261. The original budget figure included a request to replace an employee position that existed several years ago.

Changes made to 4/11/06 Draft Budget

Revenues

2401A INTEREST

The estimate for interest income was revised back to \$40,000 from \$50,000 to reflect the anticipated spending of the funds held for sewer improvements over the next 8 months.

2410A PROP RENTAL

The estimate for rental revenue for the properties owned by the Village and rented out was lowered from \$34,536 to \$34,200. See Supporting Schedule in Budget

Expenses

132510A TREASURER-PERS SERV

Salaries for the two Village Office employees were increased by 4% from \$116,336 to \$120,890. The Trustees discussed at length the amount of the salary increase in relation to salary levels at other municipalities. See Supporting Schedule tab in Budget.

A motion was made by Mayor McFadden that a public comment meeting be held on April 24th at 7:30 p.m. on the revised budget prior to the budget being adopted. The vote was 5-0 in favor.

UNFNISHED BUSINESS

STATUS OF LOCAL LAW #3 – Mayor McFadden stated that Local Law #3 will be kept in place and be modified with amendments. A subcommittee was formed at the April 5th meeting to make recommendations for the amendments.

PUBLIC COMMENT PERIOD – New Agenda Items**VIAC**

Michele Lindsay asked that she be allowed to give her committee report as she arrived after the Report portion of the meeting had passed. She reported on the Tuxedo Road causeway and Peter Humphrey's progress, the Racetrack drainage and brush grinding, road safety, East Lake Road and Tuxedo Road triangle, and a request to hold a Community Cleanup Day on April 23rd or 30th.

NEW BUSINESS

BULK PICKUP DAY – Mayor McFadden announced that the bulk pickup day will be held on Saturday, May 20th. All items should be out the night before as the crew starts picking up before 7:00 a.m.

SEWER LINING BID

A motion was made by Trustee Parker, seconded by Deputy Mayor Vernon, that the Village Clerk be authorized to advertise for bids for sewer pipe lining, with a bid opening date of May 11, 2006 at 2:00 p.m.

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

The motion was passed by a 5-0 vote.

VILLAGE BOAT CLUB DOCKS AND UNCLEAN HANDS ISSUE DISCUSSION

Mayor McFadden stated that several years ago the Village Boat Club (VBC) was established by a local law. The VBC had put in a large dock and has since requested a second, larger dock at the Water Plant property. The first dock may not have gotten a building permit, thus necessitating two public hearings - one to approve the first dock, one to consider the new dock, or the VBC could submit some alternatives to what they are proposing beforehand. Greg Libby, in a letter submitted today, asked that the board consider the VBC's new dock application.

Trustee Vernon stated that the same situation occurred with the Tuxedo Club docks, and does the Board have to tell the applicant that the first dock would have to be taken out.

Mayor McFadden further stated that whether it's identified as a violation at that time or you identify it when the party comes back for a new application, these are two issues you recognize if an original building permit was not pulled. When that is the case, you cannot hear the current application until you resolve the one that did not have the appropriate building permit. That is what the unclean hands issue is. It's questionable as to whether there has to be a complaint or not. The Board should start dealing with the dock issue because the season is coming up.

Trustee Vernon stated that we need to treat every applicant the same. How the Board treats the Village Boat Club is how we treat all lake front residents, and also the Tuxedo Club.

Mayor McFadden stated that the Tuxedo Club is different because before the current Trustees got on board, the new docks were already approved. The Trustees were advised at the time that they couldn't bring the dock issue back up for a public hearing, and now it's in front of the BAR. Recently a Village resident wrote the building department to find out if the appropriate building permits were ever issued for the lights and the docks, who some believe never had approval. If that is the case, then there will be a clean hands issue before the current application could be considered.

Trustee Vernon asked whether the Tuxedo Club now comes before the Trustees for an application to put a dining room on the Club, and does it have to relate to the same.

Mayor McFadden stated no, they are before the BAR and are required to see that through completely. It's totally separate unless John finds there are missing building permits.

John Ledwith stated that he has been in touch with the PB attorney and they are separate issues, the dining room from the boat dock.

PUBLIC COMMENT PERIOD

Village Residents who spoke during the Public Comment period: Michele Lindsay.

Public Comments: What is happening with the public hearing for Local Law #3? Why did Mr. Sweeney resign?

DISCUSSION – was held by the Trustees

Mayor McFadden stated that a subcommittee was formed and met last Saturday. Based on the comments of the public hearing on LL #3 and LL #4, regarding site responsibilities and came to a unanimous conclusion. The idea is to amend the one that was already passed, i.e. Local Law #3. After the legislation is drafted by Attorney Golden, another public hearing will be held. In regard to Mr. Sweeney, the Board will get all the facts together in executive session before it is discussed publicly.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Vernon, that the public comment period be closed. The vote was 5-0 in favor.

AUDIT OF CLAIMS – Bills in the amount of \$129,594.32 for the General Fund, claim numbers 4-1 to 4-96 and \$8,076.10 for the Water Fund, claim numbers W4-1 to W4-10 were audited and ordered paid.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden that the Board adjourn to Executive Session at 10:40 p.m. to discuss a specific employee and legal matters.

Respectfully submitted,

Deborah A. Matthews
Village Clerk