

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
OCTOBER 18, 2006
7:30 P.M.**

Present: Mayor David McFadden
Deputy Mayor Christopher Hansen
Trustee Oliver Parker
Trustee Houston Stebbins

Absent: Trustee Lawrence Darby

Clerk: Deborah Matthews

Also: John Ledwith, Richard Morrow, Celeste Gebhardt, Peter Regna, Susan Goodfellow, Nancy Hays, Chris & Sally Sonne, Lucy Edwards, Jean Marie Hitchen Thompson, Mary Graetzer, Jessie Greene, Mrs. Greene, Randy Miller, Tom Salierno, Tom Riordan, Richard Sarajian, Esq.

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

PUBLIC HEARING – Local Law Introductory No. 7 of 2006 – Fences

Trustee Stebbins asked if the proposed local law for fences is one that falls under the NYS law that requires certain local ordinances to be sent to Orange County Planning for review and recommendations before the Village Board can vote on it. A discussion followed.

The notice of hearing was published in the Times Herald-Record on October 14, 2006. A copy is attached.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen to open the public hearing at 7:40 p.m. The vote was 5-0 in favor.

Speakers:

Jacqueline Greene, 26 Lookout Stable Road, asked if this law would reinstate the law pertaining to temporary deer fencing. She encouraged the Board to adopt a fence law to allow the deer fencing so that she can put it up in a portion of her yard to keep her dogs in.

Celeste Gebhardt, BAR chairman, stated the BAR has discussed the law briefly and they aren't in favor of temporary deer fencing, but have not come to any conclusion.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen to close the public hearing at 7:45 p.m. The vote was 5-0 in favor.

After further discussion of the pros and cons of deer fencing, the vote on Local Law Introduction No. 7 was tabled.

REPORTS

***DPW** – A copy of the report is attached. Mr. Morrow reported that he is obtaining prices on winter sand mix, picking up leaves in the gutters, and putting salt hay on the hydrants.

***POLICE** – A copy of the synopsis is attached.

***ADVISORY COMMITTEES**

Wildlife: Sally Sonne stated that she is now Chairman of the Wildlife Committee as Alan Barnett resigned as Chair. She reported that no deer culling has been done in the Village this year. She announced that deer drives will be held on four weekends beginning November 19th and going to December 10th. She stated that the drives are not a liability of the Village as they are privately organized by her with the cooperation of the Hunting Club with shooting taking place outside the Village limits. All participants in the drives must be licensed by the NYS DEC.

Trustee Stebbins stated that all procedures and wildlife efforts must be in compliance with the NYS DEC.

A discussion followed.

***CHIEF ENFORCEMENT OFFICER:**

Building Permits

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the building permit application of Douglas & Suzanne Ewing, 8 Pepperidge Road, for a roof replacement upgrade from asphalt to cedar, replacement of flashing and gutters with copper and chimney repointing at a cost of \$55,000 be approved. The vote was 4-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the building permit application of The Tuxedo Club, West Lake Road, for a dormer and lead window muntins at a cost of \$5,000 be approved. The vote was 4-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the building permit application of Chris Harned, 122 Circuit Road, for a propane tank enclosure and driveway paving with stone topping at a cost of \$9,000 be approved. The vote was 4-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the building permit application of John & Michele Lindsay, 2 Eagle Mountain Road, for alterations to a screened porch, deck above, bedroom and landscaping at a cost of \$60,000 be approved. The vote was 4-0 in favor.

Stop Work Orders

Randy Miller (Penguin Development, Pine Hill Road) was issued a SWO by the Building Inspector and cited for the location of the electrical panel, a window change, a change to the roof over the garage/walkway and an expired building permit.

Mr. Miller stated his case and said that he has tried to comply with all the requests of the BAR and the Building Inspector, but has not received cooperation from the BAR in finding a resolution.

A lengthy discussion followed.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees uphold the Stop Work Order of Randy Miller, that he return to the BAR, and that it remain in full force until the Chief Enforcement Officer is satisfied with the remedy.

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

The motion was passed by a 4-0 vote.

Tom Riordan (A partner in Classic Builders, Cliff Road), was issued a SWO by the Building Inspector and cited for the shoddy construction and unsafe condition of the house.

Richard Sarajian of Montalbano, Condon & Frank, Attorney for Mr. Riordan, stated that his client had an independent engineer inspect the house and do core testing and his report is consistent with the Building Inspector. The engineer feels it would be cheaper to knock down the house rather than try to fix it. However, Mr. Riordan and his partner are currently before the courts trying to resolve several issues.

A discussion followed.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees uphold the Stop Work Order of Tom Riordan (Classic Builders) as presented.

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

The motion was passed by 4-0 vote.

PUBLIC COMMENT PERIOD

Speakers: Mary Graetzer, Celeste Gebhardt

Comments Made: When will car tags be ready, request to start BAR meetings at 7 p.m.

UNFINISHED BUSINESS**SCHEDULE PUBLIC HEARING - LOCAL LAW INTRODUCTORY No. 9 of 2006**

Deputy Mayor Hansen suggested that instead of having the Village Attorney do a comparison of the law and charging the Village, someone from the prior TAC Committee or BAR could review the law for comparison with the Village Code. All were in agreement.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that a public hearing be scheduled for November 15, 2006 at 7:30 p.m. on Local Law Introductory No. 9 of 2006 – Uniform Building Code.

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

The motion was passed by a 4-0 vote.

WATER BILL COLLECTION PROCEDURES – Deputy Mayor Hansen presented a draft for water bill collection procedures. Some minor amendments were made. The Board was in agreement with the amended draft. A copy is attached.

ANALYSIS OF TOWN VS. VILLAGE REAL PROPERTY TAX ASSESSMENTS – Deputy Mayor Hansen gave a presentation on his analysis of the Town vs. Village Assessments and tax levies, and the pros and cons of the Village having its own Assessor or using the Town's Assessment Roll.

Speakers: Jessie Greene, Susan Goodfellow, Jacqueline Greene,

Comments Made: If Town Assessment used, ample reason for them to take advantage of Village, study done several years ago that showed Town was fairer to Village residents, Village Assessor may be influenced by Village Board, look at villages where they have switched to town assessment and see what their experience was.

A discussion followed in which it was stated that there is the possibility that switching to the Town assessments would require a permissive referendum. The topic was tabled.

TUXEDO CLUB DOCKS AND EXTERIOR LIGHTING – Deputy Mayor Hansen presented a report on his findings regarding permits issued for the Tuxedo Club Docks and exterior lighting. Mayor McFadden noted that a letter was received from the Club's attorney (Norton & Christensen) regarding the docks and information they gathered. Mayor McFadden stated that the Board will do more research and respond to the letter. A copy of the letter is attached.

OUTSTANDING STOP WORK ORDERS – Trustee Stebbins suggested a chronological list be compiled regarding all outstanding stop work orders and what the issues are with each. Mayor McFadden stated that the list will be handled through the Building Department.

LETTER TO DEC – Eugene Ninnie forwarded a letter to the NYSDEC stating the Village's compliance with the SPDES permit. A copy of the letter is attached.

BULK PICKUP – Reminder that the fall bulk pickup will be on Saturday, October 28th beginning at 7:00 a.m.

LEAVES – Reminder that raking leaves into the Villages gutters and roadways is prohibited and the DPW does not pick up residents' leaves.

HIRING OF OFF DUTY POLICE FOR PARKING DETAILS – Deputy Mayor Hansen noted that the directive letter has been revised and the procedures are in place. A copy is attached.

NEW BUSINESS

ADVERTISE FOR HEATING OIL BIDS

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the Village Clerk be authorized to advertise for bids for #2 Heating Oil for the Village's facilities with the bid opening on November 14, 2006 at 2:00 p.m.

Vote of the Board: Trustee Parker – aye
Mayor McFadden – aye
Deputy Mayor Hansen – aye
Trustee Stebbins- aye

The motion was passed by a 4-0 vote.

BAR MEETING TIME CHANGE

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the BAR be authorized to change the official meeting time of their meetings (which are held on the first and third Tuesday of the month) from 7:30 p.m. to 7:00 p.m. and is effective November 1, 2006.

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

The motion was passed by a 4-0 vote.

TPAG PERMIT – A discussion was held on the parking of cars at KinCraig (location of the Concert) and overflow at the Village Office parking lot with shuttle service. The Police were contacted by the TPAG and arrangements were made regarding parking and traffic control.

A motion was made by Mayor McFadden, seconded by Trustee Parker, that Permit Application 2006-1 submitted by the Tuxedo Performing Arts Group for an exemption to Village Code Chapter 25 (Access to Village), Article 2 (Use of Restricted Roads), for an event scheduled for the late afternoon and early evening of October 21, 2006 being held at Kincaig Chateau, 27 Summit Road, be approved.

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

The motion was passed by a 4-0 vote.

RACETRACK DUMPING – Trustee Parker reported that as a result of neighbor complaints of 6:00 a.m. truck traffic in the Racetrack, the gates will be unlocked at 8:00 a.m. and locked at 5:00 p.m. by the Police. Signs will also be posted prohibiting trash disposal, picnicking and eating.

MINUTES

A motion was made by Mayor McFadden, seconded by Trustee Stebbins, that the minutes of the July 19, 2006 Board of Trustees Executive Session meeting be approved.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the minutes of the September 20, 2006 Board of Trustees meeting (Part 1 of 2) be approved.

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

The motion was passed by a 4-0 vote.

A motion was made by Deputy Mayor Hansen, seconded by Trustee Stebbins, that the minutes of the October 13, 2006 Truck Bid Opening be approved.

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

The motion was passed by a 4-0 vote.

Minutes of the September 27, 2006 Board of Trustees meeting (Part 2 of 2) be tabled.

AWARD TRUCK BID

A motion was made by Deputy Mayor Hansen, seconded by Trustee Stebbins that the bid on the 1996 Chevrolet surplus dump truck be awarded to the highest bidder, Lazar Auto Sales, Peekskill, NY, in the amount of \$8,000.

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

The motion was passed by a 4-0 vote.

INTERVIEWING OF ENVIRONMENTAL ATTORNEYS – Trustee Stebbins stated for the record that with respect to interviewing Environmental Attorneys, he will undertake the task and ask Trustee Darby to assist and they will not involve JoAnn Hanson, Claude Guinchard, etc. since the other Boards have their own attorney and the purpose here is to select an attorney for the Board of Trustees. This statement will amend and supersede the minutes of September 27th and directives therein on the same subject.

AUDIT OF CLAIMS - Deputy Mayor Hansen presented the audit report spreadsheets and explained the various budget categories of the Village Departments. Bills in the amount of \$87,110.74 for the General Fund, claim numbers 10-1 to 10-80 and \$10,154.34 for the Water Fund, claim numbers W10-1 to W10-15 were authorized for payment.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board adjourn to executive session at 10:30 p.m. to discuss the new Police & Traffic Guard Memorandum of Agreement (MOA) previously negotiated on September 19, 2006. The vote was 4-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk

These minutes were approved by the BOT on 12/20/06