

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
SEPTEMBER 27, 2006
7:00 P.M.**

The continuation of the regular monthly meeting of the Board of Trustees of the Village of Tuxedo Park was held on Wednesday, September 27, 2006 at 7:00 p.m. in the Village Hall, 80 Lorillard Road, Tuxedo Park, NY 10987.

Present: Mayor David C. McFadden
Deputy Mayor Christopher Hansen
Trustee Lawrence Darby
Trustee Oliver Parker
Trustee Houston Stebbins

Clerk: Deborah Matthews

Also: Sheila Pompan, Jim Burger, Mary Graetzer, Claude Guinchard, Celeste Gebhardt, JoAnn Hanson, Jake Lindsay, Robin McFadden

ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the Executive Session from September 20th be adjourned and the regular meeting be reopened at 7:00 p.m. The vote was 5-0 in favor.

PUBLIC COMMENT PERIOD

There being no one present, a motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the public comment period be closed at 7:02 p.m. The vote was 5-0 in favor.

UNFINISHED BUSINESS

LOCAL LAW INTRODUCTORY NO. 7 2006 (FENCES) - A discussion was held on the proposed local law that would re-establish Chapter 49 of the Village Code. The wording for the length of time this local law will be effective was modified to read "the later of December 31, 2007 or from the effective date thereof". During this period the Trustees and BAR will do a complete study. It was agreed that a public hearing will be scheduled.

A motion was made by Mayor McFadden and so moved that the Board of Trustees adopt a Resolution declaring that a Public Hearing be held on the October 18th, 2006 Regular Session, at 7:30 PM in the Village Hall, to hear public comment on Draft Local Law Introductory No. 7 Of 2006, "Amending the Code of the Village of Tuxedo Park Relating to Fences within the Village.

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

The motion was passed by a 5-0 vote.

WATER BILL COLLECTION – A discussion was held regarding how to deal with requests by water department customers who seek a refund or credit when they have a large bill due to a broken or leaking water pipe which occurs after the water has passed through the meter. It was agreed that there needs to be guidelines for the Village employees and the Trustees to follow when such requests are made. Deputy Mayor Hansen will work on the wording.

PUBLIC COMMENT PERIOD

Speakers: Jim Burger, Claude Guinchard, JoAnn Hanson

Comments Made: Issue of hiring police for private parties, Guinchard dock application, advantages of consulting with Environmental Attorney, subdivisions and drainage concerns, floor area to lot size ratio needed.

INTERVIEW ENVIRONMENTAL ATTORNEYS – The Trustees agreed that Environmental attorneys should be interviewed so that the Village would have an additional resource available. Trustee Stebbins, Trustee Darby, or Deputy Mayor Hansen (at different times) and one or two Planning Board members, i.e. JoAnn Hanson or Claude Guinchard were asked to work together, and to begin interviewing candidates.

APPOINTMENTS – POLICE DEPARTMENT

A motion was made by Mayor McFadden, that the following personnel appointments be made in the Police Department:

POLICE OFFICERS

Thomas M. Doyle	Part Time	Effective 7/7/06 at \$20.00 per hour
Robert J. Burnett	Part time	Effective 7/24/06 at \$20.00 per hour

TRAFFIC GUARDS

Thomas J. Ogden	Part Time	Effective 8/9/06 at \$13.50 per hour
Glenn W. Miller	Full Time	Effective 9/11/06 at \$13.97 per hour
Laurie A. Humenanski	Full Time	Effective 9/25/06 at \$13.97 per hour

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

The motion was passed by a 5-0 vote.

GUINCHARD DOCK APPLICATION – A discussion was held on the dock application submitted by Claude & Mary Jo Guinchard for the construction of a mahogany 6’x10’, floating,

non-permanent dock for placement on Tuxedo Lake parallel to their property at 194 East Lake Road.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the Board of Trustees adopt a Resolution granting a dock permit for Mr. and Mrs. Claude Guinchard, 194 East Lake Road, as the request does comply with the relevant Village Codes, Chapter 65: LAKES AND PONDS, § 65 – 1. C. and § 65 – 2. B. & C. The Building Department, Village Engineer and BAR have previously approved this application for conformity, design and construction.

Vote of the Board: Trustee Stebbins – aye
Deputy Mayor Hansen – aye
Mayor McFadden – aye
Trustee Parker – aye
Trustee Darby – abstain (because of business affiliation)

The motion was passed by a 4-0 vote.

LOCAL LAW INTRODUCTORY NO. 8 OF 2006 – A discussion was held regarding the draft of this law which would “Amend Chapter 15 of the Code of the Village of Tuxedo Park to Provide for the Formation and Powers of a Village Board of Ethics”. It was agreed that the current Village Code contains a Code of Ethics procedure, and a new local law will be tabled until there may be a future need.

DEC SEWER MORATORIUM & REPAIRS UPDATE – A brief discussion was held regarding the DEC letter dated June 29, 2006, in which the DEC refers to possible fines of \$37,500 per day beginning in October for violating the SPDES permit and Article 17-0813 of the Environmental Law, in context with our on going sewer repairs. Trustee Parker reported that the letter detailing the completed pipe lining work and the quarterly DEC report have been drafted and discussed with Mr. Ninnie’s office. The final copy will go out tomorrow (September 28th).

VILLAGE EMPLOYEE HANDBOOK UPGRADE – The Trustees agreed that Mayor McFadden should obtain an estimate from the Village’s Labor Consultant, Michael Richardson, on the cost of updating the Village’s Employee Handbook.

TUXEDO CLUB DOCKS UPDATE – Trustee Stebbins reported that he, Trustee Darby, and Village Attorney Jim Roemer met with representatives of the Tuxedo Club regarding their past, current and proposed docks. All parties agreed that the Village and the Club will take more time to recheck their files in an effort to obtain as much information as possible on the docks.

WILDLIFE AND BEARS – A discussion was held regarding the stocking of pepper spray by the Police Department and its use when bears are encountered. Also discussed was a requirement for reports to be submitted to the Board when firearms are discharged within the Village limits.

NEW BUSINESS

APPOINTMENT – BAR SECRETARY

A motion was made by Mayor McFadden, seconded by Trustee Darby, that the Board of Trustees adopt a Resolution declaring the appointment of Village Resident Mr. Peter Humphrey of 40 Camp Comfort Road, as Secretary to the BAR, effective today's date, Wednesday, September 20th, 2006, for the annual Term ending June 2007. This is a non-compensatory volunteer appointment subject to renewal at each Board of Trustees Reorganization Meeting.

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

The motion was passed by a 5-0 vote.

NYS ENVIRONMENTAL FACILITIES APPLICATION

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the Board of Trustees adopt a Resolution approving an application to be submitted to NYS EFC (Environmental Facilities Corporation) to convert our existing Sewer Bond Anticipation Note (BAN) of \$970,000 to long term financing. A copy of the formal Resolution Authorizing CWSRF Application and Agreement for Project Financing New York Clean Water State Revolving Fund is attached. The completed application is to be submitted to EFC by October 1st, 2006.

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

The motion was passed by a 5-0 vote.

DECLARE SURPLUS EQUIPMENT AND ADVERTISE FOR BID

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the Board of Trustees adopt a Resolution declaring, as Surplus Equipment, one 1996 Chevrolet 1-ton 4WD, diesel, automatic V8 dump truck with plow (VIN#1GBJK34F3TE170511) and authorize the Village Clerk to advertise for bid, the aforementioned surplus dump truck, minimum bid \$5,000, with a bid opening date of Friday., October 13th, 2006 at 11:00 AM.

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

The motion was passed by a 5-0 vote.

TUXEDO CLUB FIREWORKS – A discussion was held on the September 1, 2006 letter from The Tuxedo Club requesting permission to have a fireworks display to be part of a surprise birthday party on Saturday, November 18, 2006 at the Club.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the Board of Trustees deny permission to the Tuxedo Club, located at 1 West Lake Road, P.O. Box 2006, Tuxedo Park, NY 10987 for a fireworks display the evening of Saturday, November 18th, 2006.

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

The motion was passed by a 5-0 vote.

BULK PICKUP

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the Board of Trustees adopt a resolution declaring Saturday, October 28, 2006 as the day for the semi-annual bulk trash pick up day.

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

The motion was passed by a 5-0 vote.

LOCAL LAW INTRODUCTORY NO. 9 OF 2006 – A brief discussion was held on the draft Local Law Introductory No. 9 of 2006 “Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code”, which, according to NYS, must be adopted by January 2007. The local law will be tabled until the next regular meeting.

HIRING OF POLICE BY RESIDENTS – A brief discussion was held regarding the proper procedure for residents hiring Tuxedo Park Police Officers for parking and traffic control for private parties. A letter for the procedures was drafted by Mayor McFadden and distributed to the Board. In summary, the officers will be hired through the Village Police Department, payment will be sent by the resident to the Village, and the Officer will be paid through the Village voucher system. Deputy Mayor Hansen will make some minor corrections to the letter before it is finalized.

ASSESSMENTS – A lengthy discussion was held regarding a property Assessor for the Village. Since John Ledwith became the Village Building Inspector, there has been no Assessor for the Village since March 2006. The Village must decide who will be doing the 2007 assessments as the property values must be completed by December 31, 2006 – either appoint someone or use the Town’s assessment roll. Trustee Darby will study the NYCOM Handbook discussion of the issue and possibly consult with Village Attorney Jim Roemer. In addition, Deputy Mayor

Hansen will present a comparison of Village vs. Town assessments and tax rates at the next regular meeting.

NYS INVESTIGATION AGENCY – Trustee Hansen reported that he has been gathering information regarding the Police investigation being conducted by the Orange County District Attorney and other investigative agencies at their request and prepared a letter to respond to specific inquiries. Trustee Darby emphasized that Attorney Roemer should review the letter carefully before it goes out. The Board was in agreement that Mr. Roemer review the letter prior to sending.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the regular meeting be adjourned to Executive Session at 9:45 p.m. to discuss litigation and a specific personnel matter. The vote was 5-0 in favor of adjourning.

REOPEN REGULAR SESSION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that Executive Session be adjourned at 11:00 p.m. and the regular session be re-opened. The vote was 5-0 in favor of reopening regular session.

APPOINTMENT TO POLICE DEPARTMENT

A motion was made by Mayor McFadden that the Board of Trustees adopt a Resolution approving the hiring of Nathan Petrosky as a Part Time Traffic Guard in the Police Department, Effective 10/2/06 at \$13.50 per hour.

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

The motion was passed by a 5-0 vote.

ADJOURNMENT

A motion was made by Mayor McFadden that the meeting be adjourned at 11:10 p.m. The vote was 5-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Clerk-Treasurer

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