

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
AUGUST 16, 2006
7:30 P.M.**

The regular monthly meeting of the Board of Trustees of the Village of Tuxedo Park was held on Wednesday, August 16, 2006, in the Village Hall, 80 Lorillard Road, Tuxedo Park, NY.

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

Clerk: Deborah A. Matthews

Also: John Ledwith, Richie Morrow, Peter Regna, Lucy Edwards, Sara & John Cassis, Peter Humphrey, Tom Salierno, Mary Graetzer, Linda Miller, Jake Lindsay, Uli Pendl, Drew & Dana Goldman, Bryan Colwell, Cindy VanSchaack, Susan Rost (Realtor representing Gazin), Mary Jo & Claude Guinchard, Kathy Norris, Celeste Gebhardt, Lesley deVore, Mary Darby, Mike Dawson (THR Reporter), and others.

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

MINUTES

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the minutes of the July 19, 2006 Reorganization Meeting be approved.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor McFadden, seconded by Trustee Parker, that the minutes of the August 10, 2006 Special Trustees/Executive Session Meeting be approved.

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

The motion was passed by a 5-0 vote.

BUILDING PERMITS/STOP-WORK ORDERS

A motion was made by Mayor McFadden, seconded by Trustee Darby that the building permit application of John McKenna for asphalt paving his existing driveway be approved. The vote was 5-0 in favor.

A motion was made by Deputy Mayor Hansen, seconded by Trustee Stebbins that the building permit application of David McFadden for installation of A/C units, new cedar roof, and new copper gutters and leaders be approved. The vote was 4-0 in favor with Mayor McFadden abstaining.

A motion was made by Mayor McFadden, seconded by Trustee Darby that the building permit application of William Mincey & Charlotte Worthy for a new cedar roof be approved. The vote was 5-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Darby that the building permit application of The Tuxedo Club for a fence modification be approved. The vote was 5-0 in favor.

A dock application for Claude & Mary Jo Guinard was submitted to the Mayor for review.

Stop-Work Order: Was issued by the Building Inspector to Gennady Gazin, 60 Lorillard Road (the former Tom Salierno property), for the replacement of existing windows in the Skating House with vinyl clad windows. A discussion followed.

A motion was made by Mayor McFadden, seconded by Trustee Stebbins, that approval by the Board of Trustees of the SWO be deferred until the first meeting of the Board of Trustees following the second next following meeting of the Board of Architectural Review pending appearance by Mr. Gazin or his representative before the BAR to seek an exception or variance permitting the installation of the vinyl windows cited in the SWO. The vote was 5-0 in favor.

Susan Rost, Realtor, spoke on behalf of Mr. Gazin and agreed to represent him at the BAR meetings.

Stop-Work Order: Was issued by the Building Inspector to Glenn Young, Tower Hill Road (former Norman Miller property), for cutting down an abundance of trees on his property and on his neighbor's, Cindy VanSchaack. A discussion followed. Mrs. VanSchaack read a statement she prepared. A copy is attached.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board is in agreement with the SWO and that the Building Inspector issue an appearance ticket immediately to Mr. Young for appearance before the Village Justice. The vote was 5-0 in favor.

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 \$128,056.07 for the General Fund, claim numbers 8-1 to 8-88 and \$59,875.31 for the Water Fund, claim numbers W8-1 to W8-9 were authorized for payment.

PUBLIC COMMENT PERIOD – OPEN

The following residents spoke: Linda Miller, Lucy Edwards, Mary Graetzer, Peter Regna, Drew Goldman, Jake Lindsay, Kathy Norris, Cindy VanSchaack

Topics: Village Boat Club and dock, tax implications, informative website, security and gate at night, expired car stickers, audit of claims tedious for audience, Oppen property, Tuxedo Club docks and BAR dock review on September 19th, Tuxedo Club July 4th fireworks

Public comment period closed at 9:23 p.m.

A discussion followed.

REPORTS

DPW – Mr. Morrow will obtain estimates on installation of two insert valves that are needed to repair water mains in the Village. The installation of the valves needs to be done by a specialized contractor.

ENVIRONMENTAL ADVISORY COMMITTEE – At the request of Chair Sheila Pompan, Anne Madden and Jill Siegel have joined the committee.

VIAC – Report read by Trustee Parker (copy attached).

WEBSITE – Webmaster Lesley deVore suggested a password protection for residents. Mayor McFadden will also discuss with Webmaster Jean Marie Hitchen Thompson.

UNFINISHED BUSINESS

BOARD OF ETHICS – A draft local law was issued by Mayor McFadden to the Trustees for review and the framework for a three-member Board of Ethics. A discussion followed.

EMPLOYEE HANDBOOK – Mayor McFadden will consult with Michael Richardson (Village's Labor Consultant).

VILLAGE CODE CHAPTER 49 (FENCES) – A modification or renewal must be done by local law. It was suggested the law be extended through December 31, 2007. A discussion followed.

REVISED LANGUAGE ON EMPLOYEE RESPONSIBILITY FOR UNAPPROVED PURCHASES – A discussion followed. Trustee Darby will work on the appropriate language for adoption.

POLICE BILLS – Mayor McFadden recommended that the Board follow the advice of the Village Attorney and pay the outstanding bills for the unauthorized purchases made by a former employee between July 2005 and May 2005. Trustee Stebbins suggested that the transactions be accounted for in a separate account to aid in the collection of the amounts. Trustee Darby recommended that the bills submitted be examined to determine for which bills the Village

received the benefit of the goods or services billed and for which bills the Village did not so that the bills in question might be paid, adjusted, or rejected as appropriate. The Board was in agreement.

VILLAGE BOAT CLUB DOCK APPLICATION – A discussion followed. A lengthy discussion was also held on The Tuxedo Club’s previous dock application.

NYSDEC AND SEWER REPAIRS – A discussion was held regarding the DEC sewer repair mandates. Trustee Stebbins would like the Village Engineer, Eugene Ninnie, to write a letter to Ms. Browne of NYSDEC advising her of the VTP’s understanding of those work projects that must be completed by October 31st in order to avoid possible NYSDEC fines of \$37,500 per day. Further, Trustee Stebbins wanted Mr. Ninnie to give the BOT a report on other issues requiring action under the Schedule of Compliance in the current SPDES Permit.

GUINCHARD REQUEST – A discussion was held on the requested “Development Agreement” between the Village of Tuxedo Park and Claude and Mary Jo Guinchard. The agreement primarily pertains to the conversion of the existing single family residence to a garage/tool shed/playhouse as an accessory building when the new residence that is being constructed receives a Certificate of Occupancy.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen, that the Board of Trustees accept the proposed “Development Agreement” between the Village and the Guinchards as presented.

Vote of the Board: Trustee Stebbins – aye
Deputy Mayor Hansen – aye
Mayor McFadden – aye
Trustee Parker – aye
Trustee Darby – abstain due to business relationship

The motion was passed 4-0 vote with one abstention.

TUNNEL UNDER TUXEDO CLUB POOL – An informational letter will be written to The Tuxedo Club telling them that En-Tech (the Village’s Sewer Lining Contractor) may be able to grout the leaking seams in the Club owned tunnel that runs under the Club property. The work must be done while there is no water running through.

RELATED COMPANIES WELL DRILLING – A request was received for the Board’s permission for Related Companies to enter through the South Gate and use the old logging road (Ringwood Avenue) to access their property to do test well drilling. A discussion followed. Trustee Parker and Mayor McFadden will walk the property and determine the feasibility of the request and any conditions that may be added to the agreement.

A motion was made by Trustee Darby, seconded by Mayor McFadden that the Board approve the access requested by the Related Companies and is subject to their agreeing to indemnify the Village and such further terms and conditions as to such access as Trustee Parker and Mayor McFadden shall request in their view as necessary and desirable for the protection of the interests of the Village in these circumstances.

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

The motion was passed by a 5-0 vote.

NEW BUSINESS

OPPEN PROPERTY – Trustee Stebbins did a site visit of the property which is less than a half acre and previously described as a seasonal use residence. The parcel is landlocked and has no emergency access. There has been a Stop-Work Order on the property since 1994. He suggested that John Ledwith, Building Inspector, make a recommendation to the Trustees to rescind the old Stop-Work Order. Kathy Norris has made a conditional offer to purchase the Oppen property and has requested that she be allowed to purchase a portion of a paper road/pathway owned by the Village that runs along the property, in which Mr. Oppen currently has only an easement to cross, in order to secure emergency vehicle access to the property.

The Board was in agreement that the road not be sold and that Mr. Oppen work with the Building Inspector and Trustee Stebbins to reach a resolution.

ORANGE COUNTY LANDFILL SETTLEMENT – Trustee Darby informed the Board that this is a complicated legal issue having to do with whether or not there is responsibility for illegal dumping of toxic waste into the Orange County landfill. The draft settlement costs (allocated among Orange County municipalities) to the Village is \$2,654.60 over two years. Village Attorney Mineaux recommends the Village sign it as legal fees to research would cost more than the \$3,000 payment.

A motion was made by Trustee Darby, seconded by Mayor McFadden, that the Board approve the Village's approving the terms of the Consent Order and related settlement as they apply to Tuxedo Park subject to the approval by the Village Attorney.

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

The motion was passed by a 5-0 vote.

TAX ASSESSMENT – Tabled.

ADJOURNMENT TO EXECUTIVE SESSION

A motion was made by Mayor McFadden, seconded by Trustee Parker that the meeting be adjourned at 12:35 a.m. to Executive Session to discuss a specific Village Employee matter and the Sterling Forest legal case.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer