

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
DECEMBER 20, 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: Executive Session: Rick Golden, Gary Glynn, JoAnn Hanson
Regular Session: John Ledwith, Richard Morrow, Celeste Gebhardt, Uli Pendl,
Alan Heywood, Jake Lindsay, Jim & Nancy Hays, Greg Libby, Lucy Edwards,
Chris & Sally Sonne, Mary Graetzer, Richard Witte, John Cobb, Glenn Young,
Mr. Galbraith

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

DPW REPORT – A copy is attached. Also, Mr. Morrow announced that his crew will be clearing only the roadway of Ringwood Avenue where a tree fell across. He needs to have access in case of a sewer line or manhole problem and will not begin until he notifies the neighbor (Rodzianko) that he will be working there. She should contact the Trustees if she wants rocks or a cable across the road after he has finished.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Board enter into Executive Session at 7:39 p.m. to meet with the Planning Board Attorney Rick Golden to discuss a client-attorney matter regarding the Planning Board. The vote was 4-0 in favor of adjourning.

REOPEN REGULAR SESSION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees re-open regular session at 8:18 p.m. The vote was 4-0 in favor of re-opening regular session.

MINUTES

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the minutes of the September 27, 2006 regular Board of Trustees meeting be approved.

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.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the minutes of the October 18, 2006 Board of Trustees regular 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 October 18, 2006 Board of Trustees Executive Session be approved.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor McFadden, seconded by Trustee Parker that the minutes of the November 14, 2006 #2 Heating Oil Bid Opening be approved.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor McFadden, seconded by Trustee Parker that the minutes of the December 12, 2006 Board of Trustees Executive Session minutes be approved.

Vote of the Board: Trustee Stebbins – aye
Mayor McFadden – aye
Trustee Parker – aye
Deputy Mayor Hansen – no vote-absent for this meeting

The motion was passed by a 3-0 vote.

The minutes of the November 15, 2006 Board of Trustees regular meeting were tabled.

PUBLIC COMMENT

Speakers: Jake Lindsay, Jim Hays, Uli Pendl Greg Libby

Comments: Are the video tapes now the property of the Village or of the Mayor, are they being transcribed, who is paying for transcription, was reimbursement submitted; does Tuxedo Reserve guarantee repair of water line if they damage while going over in their search for well digging sites, reports by Village committees are slacking off, would like a report on the deer drives, how large are the herds; what is the website policy, items removed all the time; agendas change, what is status of the EVAC committee; what is the status of the Village Boat Club dock application - it's been two years since submitted, want assistance in either getting it accepted or rejected, doesn't feel it's VBC obligation to draft changes to Village Code on docks, VBC membership meeting on January 4th, would like status report by next Trustees meeting.

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the public comment period be closed at 8:40 p.m. The vote was 4-0 in favor.

TRUSTEES COMMENTS

Trustee Parker – spoke to Andrew Dance of Tuxedo Reserve and he agreed to contact the Mayor so that a statement could be put in the agreement with the Village regarding access from Tuxedo Road through the Grace Property for repair of any consequential damage that may occur if they should damage a water main and/or Tuxedo Road. Permission was also obtained by Tuxedo Reserve from Mr. Grace, owner of the Tuxedo Park Estates property, for access across his property.

Mayor McFadden – the obligation to draft a change in the Village Code is up to the Board of Trustees and Trustee Stebbins agrees that next year a new law for docks should be drafted to encompass all the issues raised regarding the VBC dock and the Tuxedo Club docks.

Trustee Stebbins – Board of Trustees meeting agendas are active, working documents and he suggested the agenda be posted early with the understanding that it is subject to revision.

Trustee Stebbins – from discussion at the last BOT meeting, the video equipment and tapes are the property of the Mayor. The approval given at the July Reorganization meeting for use of video equipment was general in nature - anyone can either audio or video tape meetings.

REPORTS

WILDLIFE – Sally Sonne stated that the deer drives are not sponsored by the Wildlife Committee or the Village. All participants are licensed hunters and no problems were reported during this year's drives. There were 20± deer taken outside Village limits. Trustee Stebbins had a question about the letters received from Tuxedo Reserve. A discussion followed.

VIAC – Alan Heywood stated that the Committee would make a full report at the next meeting. The VIAC and the Environmental Committees ask that the Racetrack dump be discussed at the January BOT meeting, as there are environmental concerns of the residents who live around the Racetrack.

BUILDING PERMITS

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees pass a resolution to approve the Building Permit application for Nancy & James Hays, of 4 Cliff Road, Section 106, Block 1, Lot 2B (30.21), to replace roofing material on upper asbestos roof for an estimated cost of \$85,000.00.

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.

A motion was made by Mayor McFadden, seconded by Trustee Parker that the Board of Trustees pass a resolution to approve the Building Permit application for Mr. & Mrs. Douglas Brown of 18 Patterson Brook Road, Section 103, Block 1, Lot 61.2, to install central air at an estimated cost of \$35,000.00.

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.

STOP WORK ORDERS

Tavani: Building Inspector John Ledwith previously issued a Stop Work Order to Philip & Denise Tavani, Mt. Farm Road, for the removal of two wooden decks, installation of a stone patio and site excavation all of which require a building permit.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees uphold the SWO and recommends the submittal of a complete building permit application to the building inspector and the applicant schedule a BAR appearance within 30 days.

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

The motion was passed by 4-0 vote.

Marcus: Building Inspector John Ledwith previously issued a Stop Work Order to Peter Marcus, Turtle Mt. Road, for doing extensive site work in the side-rear yard and construction a large 30'x5' deep, lined pond all of which requires a building permit.

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Board of Trustees uphold the SWO and recommends the submittal of a complete building application to the building inspector and the applicant schedule a BAR appearance within 30 days.

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

The motion was passed by a 4-0 vote.

Young: Building Inspector John Ledwith previously issued a Stop Work Order to Glen Young, Tower Hill Road, for interior and exterior construction/renovations being done without a building permit.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees uphold the SWO and recommends the submittal of a complete building application to the building inspector and the applicant schedule a BAR appearance within 30 days.

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

The motion was passed by 4-0 vote.

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 \$219,834.66 for the General Fund, claim numbers 11-1 to 11-88, \$10,527.88 for the Water Fund, claim numbers W11-1 to W11-15 and \$157,080.60 for the Capital Projects Fund, claim numbers 11-1 for November 2006 and \$176,738.64 for the General Fund, claim numbers 12-1 to 12-101, and \$10,527.88 for the Water Fund, claim numbers W12-1 to W12-15 for December 2006 were audited and ordered paid.

UNFINISHED BUSINESS

TABLED ITEMS FROM NOVEMBER 15, 2006 AGENDA will again be tabled. These items include: DPW Contract Negotiations, Trustee liaison to Planning Board, Trustee Liaison to Village Court, DEC Sewer Moratorium, Capitol Improvement Plan for Village Water Pipes, Correct Sewer Charges, Comprehensive Plan and Official Map, New Construction Bond Policy, and Discussion of Website Policy.

LEGAL AND ENGINEERING SERVICES BILLING – A brief discussion was held. In the past, a deposit for these services was received before the applicant incurred these charges when appearing before the PB, BAR and BZA. Any unused deposit was returned to the applicant upon completion of his application review and approval. Money due was paid to the Village prior to the issuance of the applicant's building permit. Trustee Stebbins recommended this procedure be reinstated. The matter was tabled.

FENCE LAW

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board of Trustees adopt a resolution accepting into law, Local Law Introductory No. 7 of 2006 that amends the Code of the Village of Tuxedo Park Relating to Fences within the Park – Chapter 49: Fences and will be filed as Local Law #4 of 2006.

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

The motion was passed by a 4-0 vote.

UNIFORM CODE LAW – Tabled

DESIGN GUIDELINES AND STANDARDS – Mayor McFadden stated that the Design Guidelines had been previously circulated to the BOT, PB, BAR and BZA for their comments. BAR Chairman Gebhardt stated that the Guidelines were given to the BAR Attorney for comparison to the Village Code. He made changes to items that did not meet the NYS Code or Village Code. An updated version was prepared.

Trustee Stebbins requested or asked: 1) why is the deadline date on the local law that was passed for establishing guidelines “on or before September 23, 2005”, 2) a copy of the latest Guidelines, 3) what were the changes proposed by the BAR, PB, and BZA, 4) what was and wasn’t adopted, 5) response from the Village Attorney acknowledging the Guidelines are consistent with prior local laws; 6) a copy of the draft certificate procedure proposed by the BAR, 7) is the BAR recommending the latest version for adoption, 8) how will the guidelines be implemented in the BAR review process.

A discussion followed.

NEW BUSINESS**HEATING OIL**

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the bids on #2 heating oil received on November 14, 2006 from Panco Petroleum (\$1.97400 per gallon) and SOS Fuels (\$1.9828) be rejected, and that the Village purchase #2 heating oil under the NYS Office of General Services State Contract at \$1.8275 per gallon through Bottini Fuels.

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.

EXEMPTION OF COUNTY TAXES ON WATER FACILITY PARCEL

A motion was made by Mayor McFadden, seconded by Trustee Parker that the Village of Tuxedo Park request from the County of Orange the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Section 13-3-12 for the year 2008.

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

The motion was passed by a 4-0 vote.

ADJOURNMENT

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the meeting be adjourned at 10:00 p.m. The vote was 4-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer

Approved at the January 17, 2007 BOT meeting.