

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MAY 16, 2007
7:30 P.M.**

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

Clerk: Deborah Matthews

Also: John Ledwith, Peter Regna, Celeste Gebhardt, Paola Tocci, Mary Graetzer, Susan Goodfellow, Lesley DeVore, Dena Steele, Tom Salierno, Alan Heywood, Jim & Nancy Hays, Michele Lindsay, Howard Madden, Nancy Bourke, Lucy Edwards, Mary Grimmig, Sally Spooner, Kathy Norris, Sally & Chris Sonne, Meg Vaught, Tinka Shaw, Joan Riccardi, Donald Hanson, Dr. DeSimone, Audrey & Jack Perry, David & Barbara du Pont, Mary Darby, Drew Goldman & Dana Farrington

Mayor McFadden called the meeting to order and led the Pledge of Allegiance.

PUBLIC COMMENTS

Speakers: Susan Goodfellow (read her statement-attached), Celeste Gebhardt, Paola Tocci, Peter Regna, Mary Graetzer (read letter by Stroz-attached), Alan Heywood, Kathy Norris, Michele Lindsay and also read statement by Jake Lindsay-attached, Uli Pendl statement - attached.

Topics: Have dialog with Village's attorneys and BAR to understand options regarding Design Guidelines; BAR suggests Saturday working sessions to discuss Guidelines; thank you to Police and Ambulance for quick response to home accident; progress report by Website Policy Committee; posting of business links on Village Website; concern about decrease of Police and DPW staff; wants to see more Police; do feasibility study on cost of DPW facility replacement and compare to price of property if sold; flooding during April storm; concern about enough for infrastructure budget; concern about statements made on website regarding Village reservoir water quality; budget concern-no increase shown for garbage service.

REPORTS

DPW – A copy is attached.

POLICE – A copy of the synopsis is attached.

WEE WAH DAM – Trustee Parker stated that he wanted to thank Kristian Matthews for donating his services and crew this past Saturday to do pointing up of the Wee Wah Dam.

VIAC COMMITTEE – Michele Lindsay reported they continue to work on the Tuxedo Road guide rail and monitoring of the Race Track dump area. Charlotte Worthy was asked to join the Committee.

BUILDING PERMITS

A motion was made by Mayor McFadden that the building permit application of Pam & Kurt Graetzer, 63 Clubhouse Road, Tax Map No. 107-1-59, for the installation of a new fence at a cost of \$20,000 be approved. The vote was 5-0 in favor.

A motion was made by Mayor McFadden that the building permit application of Donald Hanson, 4 Tower Hill Road, Tax Map No. 107-1-24, for architectural changes to his original 2004 approved renovation plans, as re-reviewed and approved by the BAR, be approved by the Trustees. The vote was 5-0 in favor.

A motion was made by Mayor McFadden that the building permit application of Bruce & Celeste Gebhardt, 82 Lookout Road, Tax Map No. 107-1-88, for the repair of 2 flat roofs with matching slate be approved. The vote was 5-0 in favor.

STOP WORK ORDERS

Dyne Property: Building Inspector John Ledwith issued a notice on April 30th to Douglas Dyne for violations of §75-9G, §93-4, and §100-15 of the Village Code. Mr. Dyne has so far removed 12,000 lbs. of automobile parts and other metals. He is continuing to work with John to remedy the violations.

Drew Goldman: Building Inspector John Ledwith issued a Stop Work Order on May 14th to Drew Goldman for doing extensive site work, removal of the pool deck, and construction of a retaining wall without a building permit and BAR approval. Mr. Goldman described what he is doing on his property. He stated that he attended the BAR meeting last night to discuss the issue with them. A lengthy discussion was held by the Board.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board vacate the Stop Work Order issued by the Building Inspector to Drew Goldman because the Board feels the work that is being done by Mr. Goldman is repair and maintenance. The vote was 5-0 in favor.

FEMA – A notice will be posted on the Village Website notifying residents that assistance is available for those having damage from the April storm.

TUXEDO RESERVE – John contacted them and was assured that they would restore the two access points (off Tuxedo Road and at the south end of East Lake Road) that they used for doing test wells. The ruts will be removed and grass seed and hay put down.

UNFINISHED BUSINESS

OPPEN PROPERTY – Mayor McFadden read the letter dated February 8, 2007 from Walter Oppen. A copy is attached. Mr. Oppen offered to have the Village purchase his landlocked property located at 47 Clubhouse Road. The Board agreed that the letter be referred to the Village Attorney for his opinion.

SLEP PROPERTY – Svetlana Gorda and Vladimir Slep have asked the Board to approve their application to the NYSDEC for a sewer main extension for the house they plan to construct on Cliff Road. The matter had been referred to the Planning Board who confirmed that the project was approved as well as the location of the sewer lines.

A motion was made by Mayor McFadden, seconded by Trustee Darby that the Board approve the request of Gorda/Slep to apply to the NYSDEC for approval of plans for a sewer main extension. The vote was 5-0 in favor.

INTERNAL INVESTIGATION REPORT – A lengthy discussion was held on whether the report on the internal investigation of the Police department by the BST forensic accounting firm should be released to the public.

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the BST report be released to the public.

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

The motion was defeated by a 3-2 vote.

A motion was made by Trustee Darby, seconded by Trustee Stebbins that the Board reiterate our request to the Village Attorney, which was made at the Executive Session last time, to prepare a short summary of the report given its essential conclusions that which does not contain any material which could possibly prejudice the Village in any attempt to recover any money for the wrong doings from any wrong doers should the Village ultimately determine to take such action, and that that summary be prepared expeditiously, and that the information from the insurance company be laid out in terms of what they're paying, what they're not paying, whether we assign our claim, we don't assign our claim, and to have an analysis of the various options for recovery.

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

The motion was passed by a 4-1 vote.

DESIGN GUIDELINES – The Board agreed with the BAR’s suggestion to set up workshops with the public.

ENGINEERING FIRMS – Trustee Parker reported that three engineering firms recommended by Drayton Grant were interviewed and each submitted a proposal to do the NYSDEC mandated engineering design for repair of the Tuxedo Lake Dam. In addition, the Tuxedo Club would proportionately share the cost with the Village. A lengthy discussion was held.

A motion was made by Trustee Darby, seconded by Trustee Parker that the Board adopt the following resolution:

Whereas the Village considers it expeditious to contract with an engineer to advise it regarding dam safety issues and the complaint of the Department of Environmental Conservation alleging dam safety violations,

Whereas engaging such engineers the Village does not intend to admit any liability or responsibility in respect of the maintenance or ownership of the Tuxedo Lake Dam,

Whereas the Village has reviewed submissions from three engineering firms and has carefully evaluated such proposals,

Now therefore be it resolved that subject to confirmation by the Village Attorney that public sealed bidding is not required, the Village accept the proposal of O’Brien & Gere dated April 16, 2007 providing for advisory services in the amount of \$22,500.

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

The resolution was passed by a 5-0 vote.

PLANNER BONNIE FRANSON CONTRACT – Mayor McFadden stated the contract was reviewed and approved by Rick Golden and the work is moving forward.

SEMINAR-SGT. SANFORD – Approval for Sgt. Sanford to attend a Mid-Atlantic Law Enforcement Executive Development Seminar is covered under the resolution made at the Reorganization meeting regarding seminars.

PUBLIC SAFETY-SPEED BUMPS – A brief discussion was held on the pros and cons. The matter was tabled to the next meeting.

NEW BUSINESS

GARBAGE CONTRACT – Mayor McFadden stated that Village resident Richard Fuller, whose company specializes in this field, agreed to assist the Village and to be the liaison for negotiating a new garbage contract.

SOUTH GATE ACCESS REQUEST – VEHICLE TAGS FOR LANDSCAPERS – Mayor McFadden stated he received the request through the Garden Club and from VIAC for the landscapers to have access through the South Gate. Since the mulching facility is located on Long Meadow Road, it would save them time in traveling. The Board agreed and suggested conditions be in placed such as a charge for the tags, a different color tag, and time limit for validity. Mayor McFadden will work out the details with Sgt. Sanford.

VOTER REGISTRATION DAY

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that Village Voter Registration Day be held on Saturday, June 9, 2007 from 12:00 noon to 5:00 p.m. in the Village Hall. The vote was 5-0 in favor.

VILLAGE ELECTION

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the Village Election Day will be held on June 19, 2007 from 12:00 noon to 9:00 p.m. in the Village Hall. The vote was 5-0 in favor.

LEVY OF UNPAID WATER BILLS

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that unpaid water balances of over \$10 of Village residents be levied to their 2007-2008 Village Tax Bill in the amount of \$23,150.46. The vote was 5-0 in favor.

YEAR END BUDGET TRANSFERS

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that the Board approve the budget transfers for the fiscal year ending May 31, 2007 as shown on the attached list. The vote was 5-0 in favor.

TUXEDO CLUB FIREWORKS

A motion was made by Mayor McFadden that permission be granted to the Tuxedo Club to hold their annual fireworks display on the evening of July 1, 2007 with a rain date of July 2, 2007, that a certificate of insurance be submitted to the Village Office prior to the event, and that the display be launched from the 2005 and prior years' site. The vote was 5-0 in favor.

ST. MARY'S PRESCHOOL AND TOWN OF TUXEDO RECREATION

A motion was made by Mayor McFadden, seconded by Deputy Mayor Hansen that St. Mary's Preschool and the Town of Tuxedo Recreation Department be authorized to use the Wee Wah Beach area for their summer programs, as was done in previous years, from June 27th –July 25th and July 2nd -August 2nd respectively. The vote was 5-0 in favor.

WEE WAH BEACH – Trustee Parker reported that the Wee Wah Beach Club has requested the Village allocate \$550 for 2 tree sprayings and 2 fertilizer applications and \$650 for 4 grills plus shipping for a total cost of \$1,200. The Board agreed. The Club will submit the bill to the Village for payment.

2006 FINANCIAL RESULTS – Deputy Mayor Hansen reported the Financial Statement for the year ending May 31, 2006 has been received from the Village's Accountant. The audited financial statements show a surplus of \$131,247 in the General Fund and net assets of \$406,404. For the fiscal year ending May 31, 2007, Deputy Mayor Hansen stated that he expects that the Village will be under budget by \$267,000. The estimate was based on figures through May 15, 2007. A discussion followed. A copy of the accountant's 2006 report is available.

AUDIT OF CLAIMS - Bills in the amount of \$131,843.47 for the General Fund, claim numbers 5-1 to 5-92 and \$22,141.10 for the Water Fund, claim numbers W5-1 to W5-18, were audited and ordered paid.

ADJOURNMENT

A motion was made by Trustee Stebbins, seconded by Trustee Darby that the meeting be adjourned at 11:30 p.m. The vote was 3-0 in favor. (Mayor McFadden and Deputy Mayor Hansen left at 11:00 p.m.).

Respectfully submitted,

Deborah A. Matthews
Clerk-Treasurer

These minutes were approved at the 8/15/07 BOT meeting.