

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JANUARY 17, 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: Richard Morrow, John Ledwith, JoAnn Hanson, Celeste Gebhardt, Sally Sonne, Lucy Edwards, Jim Hays, Michele Lindsay, Eric Honor, Mary Graetzer, Susan Goodfellow, Sheila Pompan, Alan Heywood, Mary Darby

Mayor McFadden called the meeting to order at 7:30 p.m.

DPW REPORT – Mr. Morrow reported the brush and tree cleanup work on Ringwood Avenue is complete. Regarding the buyout option for Norfolk Southern Railway, he asked the Board to consider paying the lump sum for all three accounts. In response to the Mayor's question regarding the security and good condition of Tuxedo Road access by Tuxedo Reserve, Mr. Morrow stated that he has been watching the area and monitoring the truck traffic and that there are no problems.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden seconded by Deputy Mayor Hansen that the meeting be adjourned to Executive Session at 7:35 p.m. to discuss the Lindsay-Regna defamation of character lawsuit against the Village and Mayor and an employee matter. The motion was passed by a 5-0 vote.

REOPEN REGULAR SESSION

A motion was made by Mayor McFadden seconded by Deputy Mayor Hansen that the regular meeting be reopened at 8:47 p.m. The vote was 5-0 in favor.

ANNOUNCEMENT read by Clerk

The Village Election will be held on Tuesday, June 19, 2007 in the Village Hall from 12:00 noon to 9:00 p.m. with positions open for one Mayor (two year term), two Trustees (two year term), and one Village Justice (four year term), currently held by David McFadden (Mayor), Chris Hansen (Trustee), Oliver Parker (Trustee), and David Levinson (Judge).

POLICE REPORT – Mayor McFadden stated the Police have completed their investigation of the recent vandalism in the Village and the report is available at the Village Office.

ADVISORY COMMITTEE REPORTS

VIAC – Chairman Eric Honor gave the committee report. Michele Lindsay resigned as Chairman but remains on the committee. They have been meeting with the Environmental Committee as the BOT recommended and will present their proposals at a future BOT meeting. Mayor McFadden stated that he

was reading BOT minutes from the July 21, 2004 meeting where the Board passed a resolution authorizing the replacement of the Tuxedo Road guide rail with large boulders. Michele Lindsay stated that the cost of replacing the guide rail precipitated the resolution to use boulders. Trustee Parker stated the replacement has not been done due to an inadequate supply of large boulders. Mayor McFadden stated that because of these factors, it is not now a binding resolution for the BOT to be concerned with and asked the VIAC to suggest alternatives at the February meeting.

WILDLIFE – Chairman Sally Sonne reported the committee met to discuss various issues. The committee recommends the Village work with the DEC in identifying wild turkeys in NYS. The DEC will capture and band turkeys within the Village.

STOP WORK ORDERS

No Stop Work Orders were issued in January.

BUILDING PERMITS

A motion was made by Mayor McFadden that the building permit application of Beth Glynn, 316 West Lake Road, for replacement of an asphalt shingle roof and aluminum gutters with a slate roof and copper gutters at a cost of \$60,000 be approved.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor McFadden that the building permit application of Cliffside Partners, 112 Turtle Point Road, for the demolition of an existing house and construction of a new single family dwelling at a cost of \$1.2 million be approved.

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.

PUBLIC COMMENT PERIOD – Opened at 8:59 P.M.

Speakers: Alan Heywood, Jim Hays, Susan Goodfellow

Comments by Speakers: Request for BOT to look at race track for determination of how to close for dumping, request for close monitoring of truck traffic entering Tuxedo Reserve property from Tuxedo Road, request that the Village join the Ramapo River Watershed Council which has two levels of membership and is an opportunity to pool resources of neighboring municipalities, request for the public to have input on Design Guidelines.

Trustee Comments: Deputy Mayor Hansen recommended the Village join the Ramapo River Watershed Council with the minimum membership. Since dues paying members have voting rights, the Village should have a volunteer to advise the Village. Jim Hays volunteered to be the liaison for the Village.

Public comments were closed at 9:10 p.m.

MINUTES

A motion was made by Mayor McFadden that the minutes of the November 15, 2006 regular Board of Trustees meeting be approved.

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.

A motion was made by Mayor McFadden that the minutes of the December 20, 2006 regular Board of Trustees meeting be approved.

Vote of the Board: Trustee Stebbins – aye
Deputy Mayor Hansen – aye
Mayor McFadden – aye
Trustee Parker – aye
Trustee Darby – abstain (not present at the December 20th meeting)

The motion was passed by a 4-0 vote.

MONTHLY BUDGET REVIEW AND AUDIT OF CLAIMS

Deputy Mayor Hansen reported that a meeting will be held with the Village's Accountant to review his report for the 2005-2006 fiscal year. Deputy Mayor Hansen will report back to the BOT and will also give a six-month report at the February meeting for the current 2006-2007 fiscal year. He reported that all the departments in the General Fund are within budget so far and that legal expenses are currently over. The Water Fund budget is also within budget and was discussed. Deputy Mayor Hansen recommended the Village proceed to pay the one time lump sum fee on each of the three accounts with Norfolk Southern Railway. The Village Attorney will be asked to review the documents and advise the Board.

Bills in the amount of \$85,103.84 for the General Fund, claim numbers 1-1 to 1-100 and \$20,988.97 for the Water Fund, claim numbers W1-1 to W1-24 were audited and ordered paid.

UNFINISHED BUSINESS

UNIFORM BUILDING CODE LOCAL LAW

Mayor McFadden asked that a public hearing be scheduled in February on the Uniform Building Code, introduced in September 2006, that NYS mandates all municipalities adopt by January 7, 2007. The Village Attorney, as requested by the Board, circulated a comparison to all the Trustees, of the sections of our code that would be affected by the mandated law. After public comment and possible modifications, another public hearing could be held in March.

Trustee Darby stated that he thought the Board had requested the Village Attorney perform an analysis of the changes in our code that are State mandated and those that are not. Trustee Stebbins stated that there are two types of changes – those that are coming from NYS that are mandated that we have to adopt and those that we are not adopting under the NYS guidelines because we prefer to keep our code as being more strict.

Mayor McFadden asked that the Trustees contact the Village Attorney to get the information they feel is needed regarding the proposed local law and contact him when they feel ready to put Local Law Introductory No. 9 - Uniform Building Code back on the agenda for a public hearing. Mayor McFadden reiterated that the state mandated deadline to pass the local law was January 7, 2007.

DESIGN GUIDELINES

Mayor McFadden called for a resolution to approve the Design Guidelines. No second was made. Instead questions were raised and a discussion was held on the content, format, and manner in which they will be implemented, if the BAR is recommending them, whether public comment should be sought, and whether it is intended to be part of the Village Code by local law. Mayor McFadden asked that the Trustees further define their needs to gathering information about the Design Guidelines and to let him know when they feel comfortable putting it back on the agenda for a vote.

TUXEDO LAKE DAM DEC COMPLIANCE

Mayor McFadden reported that a letter was received from the NYSDEC, dated January 5, 2007, advising the Village and the Tuxedo Club that work needs to begin on the dam and spillway. As a result he met with an engineering firm, H2M Group, to discuss the dam issues and other Village infrastructure. The Trustees requested that other engineering firms will be interviewed as well.

After a lengthy discussion on the expertise and the contacts in the DEC of Environmental Attorney Drayton Grant, it was agreed that she would be the best professional qualified to recommend engineering firms for the Village to interview for dam repairs.

A motion was made by Trustee Darby, seconded by Trustee Parker that Drayton Grant of the Grant Lyons firm be engaged to represent the Village in connection with matters dealing with the NYS Department of Environmental Conservation on dam issues and on other environmental issues as the Board of Trustees may from time to time request.

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

The motion was passed by a 5-0 vote.

Mayor McFadden noted that Village Attorney Jim Roemer has responded to the DEC's 15 day expiration date as stated in their January 5th letter.

MAINTENANCE PLAN FOR VILLAGE WATER PIPES – Mayor McFadden stated that the Board needs to begin working on a comprehensive infrastructure plan to include dams, water pipes, sewer, and facilities. He suggests a firm that does Value Engineering and has other skills.

HIRING OF H2M GROUP – It was noted by Trustee Stebbins there may be a conflict of interest because the VTP Engineer would be working on our dams and any breach of Village dams would cause the water to be dumped into the Town. The matter was tabled, however H2M Group's credentials will be forwarded to Drayton Grant for review.

RACE TRACK LEAF AND WOOD CHIPPING

Mayor McFadden reported that he contacted Tuxedo Reserve regarding early access to the Fox Hill Tract parcel that is being deeded to the Village. Tuxedo Reserve agreed to provide the Village access on a month to month basis beginning immediately for the dumping of leaves and brush. However, the Mayor stated that the area is smaller than what we have now and there will still be an odor problem. The Mayor also discussed an alternative, which he has discussed with Town officials, which would be to close the race track immediately and enter into a municipal agreement with the Town of Tuxedo to participate in their mulching operation which is run by John Guggino of Perfect Cut. Mayor McFadden stated that he had discussions regarding costs, which are reasonable and that the Town has passed all the DEC requirements and can legally operate the mulching facility. The Village residents and DPW could dump for free and pick up finished products for free. Landscapers would be charged for both. Trustee Parker stated that he and DPW Superintendent Morrow have also been discussing this proposal with the Town Highway Superintendent and Mr. Gegino.

Mayor McFadden stated that he wanted to close the dump permanently and asked the Environmental Committee and the VIAC to get together to discuss these proposals and come back to the Board with a final recommendation at the February meeting.

SWITCH TO TOWN ASSESSOR

Trustee Hansen stated that the Village needs to make a decision whether or not to use the Town Assessor for Village Assessments. Mayor McFadden noted that NYS prefers villages use town assessments. The Trustees need to focus on this issue as there's a lead time and it may need to go on a referendum. Trustee Hansen will reissue the memo he wrote several months ago on this topic and will check with NYCOM regarding the procedure for adopting the Town's Assessment Roll.

HIRING OF VILLAGE PLANNER

JoAnn Hanson, Chair of the Planning Board, recommends the Board of Trustees hire a Planner on behalf of the Planning Board, Board of Architectural Review and the Board of Trustees. The reason is that the Village is at a critical point in terms of land use, subdivisions and zoning. She further stated that Planners provide valuable input which differs from Village counsel and engineers in reviewing, in particular, subdivisions as to proper house siting, visual impact, landscape impact, street layouts and similar types of topics. A planner would also assist in evaluating Draft Environmental Impact Statements in going through the SEQRA process. Thus applicants would reimburse the Village for the costs of the experts that the Planning Board requires, such as planners, legal and engineering.

Mrs. Hanson read a statement submitted by Planning Board Attorney Rick Golden. *A copy is attached.*

Ms. Hanson stated that she, Trustee Stebbins and Deputy Mayor Hansen interviewed candidates and they recommend hiring Bonnie Franson of Tim Miller Associates. Ms. Franson is familiar with Tuxedo and has SEQRA experience (was part of the review for Town of Tuxedo with Tuxedo Reserve).

A motion was made by Deputy Mayor Hansen, seconded by Trustee Stebbins that the Village and all boards be authorized to engage the services of Bonnie Franson of Tim Miller Associates either directly or through their attorney, that costs that benefit specific applicants will be charged back to them, that non-

reimbursable costs for the balance of the current fiscal year will be \$5,000-6,000, and that non-reimbursable costs for the 2007-2008 fiscal year be included in the new budget.

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.

DPW CONTRACT NEGOTIATIONS

Mayor McFadden advised the Board that Village Labor Consultant Michael Richardson will begin negotiations on the DPW contract which expires May 31, 2007. The Board was in agreement. Trustee Stebbins requested that Mr. Richardson give a confidential report up front to the Trustees of what the goals and objectives are. Trustee Darby suggested the contract be reviewed by the Roemer firm and that the Roemer firm advise, along with Mr. Richardson, on the issues in the contract and on the negotiations.

WEBSITE

Trustee Darby discussed proposing a resolution establishing a section of the Village website which would be called "Trustee Comments and Observations" where they could make comments on matters before the Village. Mayor McFadden stated that when the website was first created, he offered each Trustee their own page, but no one was interested at the time. He feels it would be a good idea and the Village would benefit but that the Trustees have their own page. Deputy Mayor Hansen is also in favor and asked that Trustee Darby put together a written proposal for the whole board to review prior to the next meeting, which addresses the current Village Website Procedure.. A discussion followed.

TUXEDO CLUB DOCKS

A lengthy discussion and debate was held regarding whether the Tuxedo Club should present additional information to the Trustees on the number of current and proposed docks. Attorney Roemer had written a letter to the Trustees opining that the Tuxedo Club is in violation of Section 65-6 of the Village Code on their existing docks and that the Trustees should rescind the permit issued in May 2005. Mayor McFadden referred to the January 9, 2007 letter from Mr. Christensen, the Club's attorney, and the January 12, 2007 letter from Village Attorney James Roemer. Mayor McFadden stated that he will issue a Stop-Work Order tomorrow to the Tuxedo Club for the existing docks that do not have a permit, which is a violation. Trustee Stebbins requested that the Tuxedo Club respond in writing to Mr. Roemer's letter by February 7th and that a representative of the Tuxedo Club appear before the Board of Trustees at the February meeting to make a presentation. Mr. Roemer will be asked to send a letter to the Club's attorney requesting a response to his (Roemer's) January 12th letter by February 7th.

NEW BUSINESS

SALE OF VILLAGE LAND – Mayor McFadden stated that a letter was received from Gary Glynn requesting permission to purchase the Village owned parcel contiguous to his lot at the intersection of Eagle Mountain Road and West Lake Road (Tax Map No. 102-1-21). The procedure would be for the Village to declare certain lands as surplus in order to be sold, hire an appraiser, and go out to open bid. Mayor McFadden further stated that he will research the request and report at the next meeting before any such sale would be considered by the Board.

CHANGE BZA START TIME

A motion was made by Mayor McFadden, on a request by the Board of Zoning Appeals, that the BZA meeting time be changed from 8:00 p.m. to 7:00 p.m.

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.

APPOINTMENT TO PLANNING BOARD

Mayor McFadden announced that he is appointing Charlotte Worthy to the Village Planning Board position vacated by Claude Guinhard, term ending date of June 2011. He will be seeking candidates to fill the position vacated by Charlotte on the Board of Architectural Review.

SEMINAR REQUEST BY VILLAGE EMPLOYEE – The Board agreed to approve the request of Police Officer James Ascione to attend a Police training course (topic: Interrogation) and that related costs be reimbursed up to \$900 as per the Police Contract.

ADJOURNMENT

A motion was made by Mayor McFadden that the meeting be adjourned at 12:40 a.m. The motion was passed by a 5-0 vote.

Respectfully submitted,

Deborah Matthews
Village Clerk-Treasurer