

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
SEPTEMBER 19, 2007
7:30 P.M.**

The regular monthly meeting of the Board of Trustees was held on Wednesday, September 19, 2007 at 7:30 p.m. in the Village Hall, 80 Lorillard Road, Tuxedo Park, NY 10987.

Present: Mayor Houston Stebbins
Deputy Mayor Lawrence Darby
Trustee Tinka Shaw
Trustee Charlotte Worthy

Absent: Trustee Christopher Hansen

Clerk: Deborah Matthews

Also: Richard Morrow, John Ledwith, Sgt. Sanford, Officer Ascione, Lucy Edwards, Nancy & Jim Hays, JoAnn Hanson, Judy Wittels, Mary Graetzer, Dena Steele, Meg Vaught, Allen Barnet, David Morton, Jeff Voss, Chris Jaeger, Peter Regna, Lesley DeVore, Chiu-yin Hempel, Dr. Denis Miller, Sally Spooner, Celeste Gebhardt, David McFadden, Michele Lindsay, Chauncie Rodzianko, Denise Tavani, Joan Alleman, Jock MacKinnon, John Moon, and others.

Mayor Stebbins called the meeting to order at 7:30 p.m. and asked Deputy Mayor Darby to lead the Pledge of Allegiance.

Mayor Stebbins gave a brief report about his priorities as Mayor (a copy is attached).

POLICE REPORT – A copy of the August synopsis is attached.

Due to a recent commercial vehicle accident that necessitated closing Tuxedo Road and calling in the Town Police and our DPW for assistance, Sgt. Sanford expressed concern that he is the only officer on duty during the day. The Board agreed that another officer would work the 7a.m. to 3 p.m. shift Monday through Friday and Sgt. Sanford would work 9 a.m. to 5 p.m. The Board also agreed that the new police sedan that was budgeted for should be ordered.

DPW – A copy of the report is attached.

Mayor Stebbins expressed his thanks and appreciation to Richie Morrow who is retiring on September 20th with 29 years of dedicated service to the Village. He announced that the retirement party to honor Richie will be held on October 27th at the Tuxedo Park School from 4pm to 6pm. and all are welcome.

Richie Morrow noted the following: A \$1,200 bill was sent to Midwest Underground, Inc. (installers of the gas pipeline) for reimbursement of a broken water main; he prepared a list of completed infrastructure projects; a 200' tree across from Mengel's was removed by O&R; the new leaf machine was delivered; old hydrants were wrapped with salt hay; hydrants in the

Hamlet were flushed at night and no problems were reported. In addition, he reported that two water leaks will be repaired within the next couple of weeks – one in the Hamlet in Route 17 and the other on West Lake Road near the bridge.

ADVISORY COMMITTEES

VIAC – Michele Lindsay reported that two proposals were received for removal of trees at the south end of Tuxedo Lake. Richie Morrow stated the DPW can remove trees from the lake when time permits. They don't have the equipment to remove standing trees and professionals will have to be hired.

EDAC – Dr. Denis Miller, Chairman of the Emergency Disaster Advisory Committee, reported on the need of the Village to join the National Incident Management System (NIMS), which aligns Federal, State and local responses to critical events. Dr. Miller has also been in contact with Orange County Emergency Management regarding the Village's participation in the FEMA NIMS program and the required training.

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Village of Tuxedo Park participate in the FEMA National Incident Management System (NIMS).

Vote of the Board: Mayor Stebbins – aye
Trustee Shaw – aye
Deputy Mayor Darby – aye
Trustee Worthy – aye

The motion was passed by a 4-0 vote.

WILDLIFE – It was noted that in addition to bear, rattlesnakes, and bobcats in the area, there has been a recent sighting of mountain lions.

PUBLIC COMMENTS

Speakers: Lucy Edwards, JoAnn Hanson (statement attached), David McFadden
Alexa Yannuzzi submitted statement (read by Mayor Stebbins), Michele Lindsay, Nancy Hays, Chiu-yin Hempel,

Comments: What is Village recycling policy; reason for supporting appointment of Sam Bornstein to Planning Board; hold public forum before signing new Wee Wah Beach Lease; what is schedule for implementing Design Guidelines; when is the Uniform Building Code being adopted; when are the attorney opinions on Term Limits being released to the public; pleased Isles lawsuit dismissed; is J. Roemer still Village attorney; receipt of Sunshine Report with no author named; BAR is working on Design Guidelines and have developed BAR application packet which is ready for distribution.

A discussion was held.

TERM LIMITS OPINION

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the legal opinion of Mike Donnelly, Esq., regarding Local Law #3 of 2006 (Term Limits), letter dated August 8, 2007, be made available to the public and that copies are available at the Village Office.

Vote of the Board: Deputy Mayor Darby – aye
Trustee Worthy –aye
Trustee Shaw – aye
Mayor Stebbins –aye

The motion was passed by a 4-0 vote.

BUILDING PERMITS

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Kathryn & Raja Flores, 242 Continental Road, for replacement of siding and lattice work be approved. The vote was 4-0 in favor.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the building permit application of Rob Zgonena, 20 Ridge Road, for a door replacement be approved. The vote was 4-0 in favor.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the building permit application of Linda & Neal Strohmeyer, 92 Pine Hill Road, for two driveway piers be approved. The vote was 4-0 in favor.

UNFINISHED BUSINESS

POLICE REPORT SUMMARY - Deputy Mayor Darby recommended that the Police Summary Report be released to the public. The Board was in agreement.

CITIZENS TO PRESERVE TUXEDO LAKE & ISLES DOCK LITIGATION DECISION

Mayor Stebbins announced the court dismissed the lawsuit. He noted that all litigation the Village is involved in is expensive and time consuming. It prevents giving full attention to the Village's infrastructure and environmental issues.

MAP DIGITIZATION PROPOSAL

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board accept the contract proposal of \$3,500 by Weston & Sampson for the digitizing of the Village water and sewer maps and that the amount be increased up to a maximum amount of \$4,000.

Vote of the Board: Trustee Shaw – aye
Mayor Stebbins- aye
Deputy Mayor Darby – aye
Trustee Worthy – aye

The motion was passed by a 4-0 vote.

NEW BUSINESS

SIGNATURE AUTHORITY FOR VILLAGE OF TUXEDO PARK BANK ACCOUNTS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the following resolution be approved.

Resolved that the only authorized signatories for the Village's bank accounts be and hereby are the Treasurer and the Assistant (Deputy) Treasurer and the Mayor and Deputy Mayor; Further Resolved, that check and wire transfers in the amount up to \$10,000 may be signed or initiated by either of the Treasurer or the Assistant (Deputy) Treasurer; and checks and wire transfers in an amount in excess of \$10,000 may be signed or initiated by any two of either the Treasurer or the Assistant (Deputy) Treasurer and either the Mayor or the Deputy Mayor, except that wire transfers for the purpose of paying debt service on Village bonds and other obligations may be initiated in any amount by the Treasurer or the Assistant (Deputy) Treasurer.

Vote of the Board: Trustee Worthy – aye
 Trustee Shaw – aye
 Mayor Stebbins – aye
 Deputy Mayor Darby – aye

The motion was passed by a 4-0 vote.

LAKE LAW REVISION PANEL

Jock MacKinnon, Chairman of the Panel, gave a brief overview of the progress of the Panel and requested an extension of time to submit their report.

A motion was made by Deputy Mayor Darby, seconded by Mayor Stebbins that the time for submission of the report by the Lake Law Revision Panel be extended for another six months to March 15, 2008 with a provision for an interim report dealing with the recommendation on construction and use of docks be submitted within four months, being January 15, 2008.

Vote of the Board: Trustee Shaw – aye
 Trustee Worthy – aye
 Mayor Stebbins – aye
 Deputy Mayor Darby aye

The motion was passed by a 4-0 vote.

WEE WAH LAKE ISSUES – Because of concerns from residents regarding the water quality and algae in the Wee Wah lake, Chris Jaeger, from Environmental Consultants, reported that the water samples from Wee Wah Lake and Tuxedo Lake were taken for testing to Environmental LabWorks. The bacteria testing indicate no e-coli or fecal coliform problem exists at either

location. Tests for phosphorous, nitrogen and calcium will take 10 days. Separate samples were also taken to analyze the algae in the Wee Wah Lake.

FEDERATION OF LAKES ASSOCIATION MEMBERSHIP - Trustee Shaw recommended the Village of Tuxedo Park join the NYS Federation of Lakes Association for a cost of \$20 per year. The Board was in agreement.

FENCE LAW – The fence law had been extended to December 31, 2007 and that time is fast approaching. Mayor Stebbins asked the PB, BAR and BZA to submit their comments on the law as soon as possible.

DEER DRIVES – VTP CRITERIA FOR PUBLIC NOTICE – The Village has no involvement in this activity other than to post information as a public notice and to require compliance with Village and NYS laws and regulations.. The posted information will include dates, times, locations, etc. of the upcoming drives. Trustee Hansen, as liaison to the Wildlife Advisory Committee, will be asked to lead this effort to ensure compliance.

PLANNING BOARD/UAC/VIAC LIGHTING PROJECT – Trustee Worthy reported that O&R notified the Village that the Village's supply of existing street light fixtures is used up and of its intent to stop maintaining incandescent lights used by the Village. Therefore, the VIAC and UAC are working jointly to select a final fixture that will be presented to the Planning Board and BAR for approval.

MINUTES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the minutes of the August 15, 2007 Board of Trustees Regular meeting be approved.

Vote of the Board: Trustee Worthy – aye
Mayor Stebbins – aye
Deputy Mayor Darby – aye
Trustee Shaw – abstain (not present at August 15th meeting)

The motion was passed by a vote of 3 ayes.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board adjourn to Executive Session to discuss the Sterling Forest and DEC litigation and DPW employee personnel matters. The vote was 4-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that regular session be reopened at 12:25 a.m. The vote was 4-0 in favor.

APPOINTMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the following resolution be passed.

Whereas, Richard Morrow, DPW Superintendent for the Village of Tuxedo Park is retiring effective September 30, 2007; and

Whereas, the Board of Trustees of the Village of Tuxedo Park are desirous of conducting a search for the purpose of determining the most qualified individual to be permanently appointed to the position of Superintendent of Public Works;

Whereas, the Board of Trustees anticipates that it will complete that process within a reasonable time frame;

Whereas, it is desirous to appoint an Acting Superintendent of the DPW of the Village of Tuxedo Park in the interim;

Now Therefore, the Board of Trustees of the Village of Tuxedo Park resolves as follows:

Jeffrey Voss, a current employee of the Village of Tuxedo Park Department of Public Works is hereby appointed Acting Superintendent of the Department of Public Works.

Vote of the Board: Trustee Worthy – aye
 Trustee Shaw – aye
 Mayor Stebbins – aye
 Deputy Mayor Darby – aye

The motion was passed by a 4-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$335,599.06 for the General Fund, claim numbers 9-1 to 9-105 and \$79,407.76 for the Water Fund, claim numbers W9-1 to W9-24 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the meeting be adjourned at 12:50 a.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer