

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
MARCH 21, 2007
7:30 P.M.**

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

Absent: Deputy Mayor Christopher Hansen

Clerk: Deborah Matthews

Also: John Ledwith, Nancy & Jim Hays, Lucy Edwards, Susan Goodfellow, Mary Graetzer, Sally Sonne, Dena Steele, Kathy Norris, Claudio Guazzoni, Linda Miller, Greg Libby, Doug Benedict, Geoff Isales, Alan & Sue Heywood, Lesley deVore, Daniel DeSimone, Jake Lindsay and others.

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

PUBLIC COMMENT PERIOD

Speakers: Sally Spooner, Susan Goodfellow (read statement-copy attached), Kathy Norris (read statement-copy attached), Nancy Hays (read statement-not submitted), Geoff Isles (read statement-copy attached), Jim Hays, Claudio Guazzoni (read statement-not submitted), Lesley deVore (read statement-copy attached).

Comments: What is result of BST investigation, website posting and records management issue, defense of reputation, website policy, website comments and observations page, Tuxedo Club docks and permit, sale of village owned parcels, encourage adopting Design Guidelines, Tuxedo Reserve wells.

Mayor McFadden, in response to the questions about the police investigation report, stated that at this time it is client-attorney privilege and cannot be released.

REPORTS

POLICE – Copy of synopsis attached.

DPW – Copy attached

DAM STATUS – Trustee Parker reported that Drayton Grant, Environmental Attorney and the Village's dam advisor, recommended some dam speciality engineers. He is in the process of setting up interviews. In addition to the Tuxedo Lake Dam, he will also have the Wee Wah Dam inspected by the engineers. Mayor McFadden asked to be included in the process.

RACETRACK – Trustee Parker reported that cleanup of the racetrack has temporarily stopped because the area is too wet and will resume later in April. The mulch that is left is available to Village residents.

BUILDING PERMITS

A motion was made by Mayor McFadden, seconded by Trustee Parker that the building permit extension of David and Maureen Kroning, 20 West Lake Drive, Tax Map No. 102-1-9, for construction of a two-car garage at a cost of \$20,000 be approved. The vote was 4-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Darby that the building permit application of The Tuxedo Club, West Lake Road, Tax Map No. 107-1-3, for a new exterior door, metal platform and stairs in the existing clubhouse dormitory wing and miscellaneous interior renovations at a cost of \$250,000 be approved. The vote was 4-0 in favor.

A motion was made by Mayor McFadden, seconded by Trustee Stebbins that the building permit application of Philip and Denise Tavani, 22 Mountain Farm Road, Tax Map No. 103-1-40, for replacement of an at grade wood deck with a stone terrace at a cost of \$4,000 be approved. The vote was 4-0 in favor.

UNFINISHED BUSINESS

UNIFORM BUILDING CODE

Trustee Darby read his statement regarding his understanding of the timeline and process for adopting the Uniform Building Code. He feels our Village Code gives the building inspector the authority to enforce it. He read his proposed resolution authorizing the building inspector to promulgate regulations for enforcing the Code. A copy is attached.

A lengthy discussion was held on the pros and cons of adopting the Uniform Building Code as amendments to the Village Code. The Village attorney will be consulted on the issue.

Mayor McFadden noted that the Town of Tuxedo has adopted the Uniform Building Code. The matter was tabled.

SALE OF VILLAGE PROPERTY

Glynn – Gary Glynn’s proposal to purchase parcel 104-1-21 on Eagle Mountain Road was discussed. Mr. Glynn’s subsequent letter dated March 14, 2007 states that his attorney advises the parcel is almost certainly parkland. However, the Village would need to accept it as parkland and file a deed with Orange County. It was agreed that the matter will be referred to the Village attorney.

Guazzoni – Claudio Guazzoni made a request to purchase the portion of Summit Road which ends beyond his driveway. A discussion was held which included DPW snow removal and neighbor road access. It was agreed that the matter will be referred to the Village attorney.

PBA FUND RAISING – Mayor McFadden stated that Sgt. Sanford asked if the Board had objection to the PBA conducting a fund raiser. It was agreed that the matter will be referred to the Village attorney for an opinion.

APPROVAL OF MINUTES

A motion was made by Mayor McFadden that the minutes of the January 17, 2007 Board of Trustees minutes be approved as revised. The vote was 4-0 in favor.

A motion was made by Mayor McFadden that the minutes of the February 20, 2007 Board of Assessment Review meeting (Grievance Day) be approved. The vote was 4-0 in favor.

The minutes of the March 15, 2007 Budget Workshop meeting were tabled as the quorum from that meeting is not present.

NEW BUSINESS

DRAFT 2007-2008 TENTATIVE BUDGET – A discussion was held on the various items that should be included in the new budget, including legal fees, VIAC items, capital improvements and infrastructure, drainage, etc.

SCHEDULE PUBLIC HEARING ON BUDGET

A motion was made by Mayor McFadden that a Public Hearing on the 2007-2008 Tentative Budget be held on April 11, 2007 at 7:30 p.m. The vote was 4-0 in favor.

WEBSITE POLICY – Mayor McFadden stated the Board should consider updating the website policy as there are items that could be added for residents' convenience and possible ADA compliant issues. A discussion was held. Mayor McFadden stated he will form a new committee in April to work on the policy.

OFFICIAL MAP AND COMPREHENSIVE PLAN – Mayor McFadden stated that it is important for the Village to have a comprehensive plan and map and that Bonnie Franson, Village Planner, was asked to give an estimate on her cost for writing a plan. She would work in conjunction with the Planning Board. A discussion was held on items that should be included.

DOCKS AND LAKE LAWS – Mayor McFadden stated that the Board has received letters from the Village Boat Club and the Tuxedo Club requesting a change in the lake laws which relate to docks. In addition Greg Libby, on behalf of the Village Boat Club, asked that the Board address their application for their dock expansion, which has been before the Board for over two years. A lengthy discussion followed.

Trustee Darby proposed a lake panel be formed by resolution to address the code relating to dock issues.

A motion was made by Trustee Darby, seconded by Trustee Parker that the following resolution be adopted.

RESOLVED, that the Board of Trustees determines that it is in the best interest of the Village of Tuxedo Park and its residents and taxpayers that a study be made of the provisions of the Village Code pertaining to Lakes and Ponds (Chapter 65) for the purpose of considering whether changes thereto are necessary or desirable and making recommendations to the Board of Trustees regarding the same;

RESOLVED, that the Board of Trustees shall, within 45 days following the date of the adoption of this resolution, appoint a panel consisting of an odd number of persons, not less than three nor more than five, all of whom shall be residents of the Village to conduct such study from among persons who have expressed a willingness to serve on such panel;

RESOLVED, if there shall be such persons who are willing to so serve on such panel, that one member of the panel shall be a person designated by the Village Boat Club and who is acceptable to the Board of Trustees, one member of the panel shall be a person designated by the Tuxedo Club and who is acceptable to the Board of Trustees, and one member of the panel shall be an attorney licensed to practice law in the State of New York, who shall also act as the chairperson of the panel;

RESOLVED, that the panel shall submit to the Board of Trustees a report setting forth its recommendations not later than six months after the date when the last member of the panel is appointed by the Board of Trustees, except as the Board of Trustees may in its discretion extend such date upon the request of the panel;

RESOLVED, that the panel shall act by the vote of a majority of its members appointed by the Board of Trustees and shall adopt such rules for the conduct of its proceedings as it shall see fit, but any vacancy on the panel shall be filled only by the Board of Trustees;

RESOLVED, that the members of the panel shall serve without compensation, but the panel shall be entitled to expend up to an aggregate of \$3,000 to obtain the advice of counsel or other professional or to pay other reasonable expenses of the panel in conducting the study;

RESOLVED, that the Board of Trustees shall, as promptly as reasonable practicable following the submission by the panel of its report, hold a meeting which shall be attended by the chairman or another representative of the panel and at which the public shall be entitled to ask questions about the contents of the report; and

RESOLVED, that the Board of Trustees shall give due consideration to but shall not be bound to adopt any or all of the recommendations of the panel contained in its report.

Vote of the Board: Trustee Stebbins – aye
 Trustee Parker – aye
 Trustee Darby – aye
 Mayor McFadden – no vote

The motion was passed by a 3-0 vote.

Trustee Darby stated that the adoption of this resolution will be posted on the Village Website inviting Village residents and taxpayers who are interested in serving on this panel to contact the Mayor and Board of Trustees. The Trustees will make the selection. He also stated that he and Trustee Stebbins will be the Trustee liaisons to the Lake Panel.

BOARD OF ARCHITECTURAL REVIEW APPOINTMENT – Mayor McFadden announced the appointment of Peter Ashby Howard to the BAR to replace Charlotte Worthy, filling the balance of her three-year term, which expires June 2009.

DESIGN GUIDELINES – Mayor McFadden read a statement submitted by Deputy Mayor Hansen (no copy submitted) which endorsed adopting the Design Guidelines.

Trustee Stebbins stated that he recommends the latest draft be referred back to the BAR for comment.

Comments were made on whether the Guidelines should be part of the Code or just a guide authorized by the code.

A lengthy discussion followed on all aspects. The matter was tabled.

AUDIT OF CLAIMS – Bills in the amount of \$99,618.72 for the General Fund, claim numbers 3-1 to 3-122, and \$38,904.14 for the Water Fund, claim numbers W3-1 to W3-16, were audited and ordered paid.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor McFadden that the Board adjourn to Executive Session at 1:45 a.m. to discuss the notification by a Village resident of a possible lawsuit against the Village regarding the 2005 Tuxedo Club dock application permit. The vote was 4-0 in of adjourning.

ADJOURNMENT

A motion was made by Mayor McFadden that the meeting be adjourned at 2:00 a.m.

Respectfully submitted,

Deborah A. Matthews
Clerk-Treasurer

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