

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JANURY 16, 2008
7:30 P.M.**

The regular monthly meeting of the Board of Trustees was held on Wednesday, January 16, 2008, 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 Christopher Hansen
Trustee Tinka Shaw
Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: Sgt. Ken Sanford, Jeff Voss, John Ledwith, JoAnn Hanson, Allen Barnett, Michele Lindsay, Denise Gilroy, Phil Tavani, Lucy Edwards, Dena Steele, Aubrey deBorndave, Sue & Alan Heywood, Jim & Nancy Hays, Mary Graetzer, Chiu-yin Hempel, David Morton, Susan Goodfellow, Jim Barth, Peter Regna, Jesse Green, Sally & Chris Sonne, Meg Vaught, Serene Swirbul, Gary Glynn, Bonnie Takeheuchi, EJ & Mrs. Matthews and others.

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

REPORTS

Mayor Stebbins: The Town of Tuxedo will hold a public hearing on January 28th for Tuxedo Reserve and the amendments they are seeking to their Special Permit; Orange County Civil Service will hold their promotional exam for Police Chief on March 8th (Sgt. Sanford will take the exam); a letter was received from the NYS Committee on Open Government opining that a FOIL request for a legal opinion prepared by a Village attorney can be denied assuming the attorney/client privilege had not been purposely waived and that the record consists of legal advice from counsel to the client; Mayor Stebbins and John Ledwith have been working to review delinquent water accounts and recover payment.

Overdue Water Bills

Mayor Stebbins reported that there are two water accounts having a large outstanding balance and the Village Attorney has been speaking with the owners' attorney to negotiate a reasonable settlement on behalf of the Village.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board accepts the offer of \$30,000 for the past due water bill of the Reeves Estate (former tenant Duck Cedar Inn). [Due to delays, the final amount paid to the Village by the Reeves Estate was \$32,000.]

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

The motion was passed by a 5-0 vote.

Trustee Shaw suggested that in the future water should be shut off before bills go uncollected for this extended amount of time. Trustee Hansel and Trustee Worthy agreed.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board accept the offered amount of \$8,750 in settlement of the McMullen's Restaurant past due water bill.

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

The motion was passed by a 5-0 vote.

Trustee Hansen recommended reviewing the Village Code in relation to past due water bills and either reaffirm the existing language or improve it if necessary.

Deputy Mayor Darby: Reported that Department heads submitted their monthly budget letters and affirmed they are within their budgets. Budget reconciliation reports indicate overall Village expenses are within budget. He noted that there will be significant upcoming expenses for repairs to the Tuxedo Lake Dam and the Wee Wah Dam as well as the Sewer Plant building. Department heads were asked to submit their departmental budgets to him on a timely basis.

Police: Sgt. Sanford gave a synopsis of the month's activities. (A copy is attached.)

DPW – Jeff Voss acknowledged the retirement of Tom Malone from the DPW and expressed the need to hire a replacement for him as well as a replacement resulting from the retirement of Richie Morrow. A copy of the DPW report is attached.

Advisory Committees:

EAC: Susan Goodfellow announced an EAC informational meeting will be held on January 24th at 7:30 p.m. in the Village Hall and is open to the public. Guest speaker Scott Kishbaugh from the DEC will be speaking about lakes and watershed management.

Wildlife Advisory Committee: Sally Sonne reported her committee has developed a questionnaire that asks about the different types of wildlife and their locations in the Village as well as resident opinions on wildlife and culling. The committee is requesting the Board grant permission to post the questionnaire on the Village Website and to also mail it to residents. Separately, the DEC has asked for cooperation in a Wild Turkey study in which residents would notify the DEC of turkeys on their property and the DEC would tag some of the birds.

VIAC: Michele Lindsay reported the committee has received estimates on a Tuxedo Road guide rail and open storm drains. A Race Track subcommittee of VIAC and EDAC has been formed to look closer at improvements and changes to the area. Dead trees are being removed at the "Ramble" and funded by resident donations. Investigation of new options for Village street lighting continues.

Safety Mirror Request: Trustee Hansen requested a traffic safety mirror be installed across the street from his house on West Lake Road as soon as possible. The location of his driveway prohibits the ability to see cars coming down the hill and poses a danger pulling out of his driveway.

A motion was made by Deputy Mayor Darby, seconded by Mayor Stebbins that the Board authorize the expenditure of up to \$500 for the installation of a traffic safety mirror across from Trustee Hansen's driveway, and that the DPW, Police and Building Inspector determine the correct size and best location and to obtain any approvals from neighboring property owners if it's to be placed there.

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

The motion was passed by 4 ayes and 1 abstention.

BUILDING PERMITS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the building permit application of The Tuxedo Club, West Lake Road, for a standing lattice screen anchored to the back of the existing structure (as approved by the BAR on 1/15/08) be approved.

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

Trustee Shaw – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Peter Marcus, Turtle Mountain Road, for a one story rear kitchen addition of 12'x3' (as approved by the BAR on 1/15/08) be approved.

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

The motion was passed by 5-0 vote.

PUBLIC COMMENTS

Resident Speakers: Michele Lindsay, Nancy Hays, Meg Vaught, Mary Graetzer, Alan Heywood

Comments Made: Has a long-term infrastructure improvement plan been developed by the Trustees; some residents have been cutting down and topping trees – what is permitted by Village Law; why is the Village funding a traffic mirror for Trustee Hansen; a dangerous precedent is being set by paying for the traffic mirror; are there other delinquent water bills in excess of \$2,000.

Trustee Responses: An infrastructure plan has been prepared and will be ready for the budget process; the building inspector is aware of the tree cutting and topping issues and is dealing with them accordingly; the traffic mirror involves a public safety issue that needs to be addressed by the Board; it appears that there are no other delinquent individual Park resident water bills remaining outstanding in excess of \$2,000.

UNFINISHED BUSINESS

PUBLIC HEARING – LOCAL LAW INTRODUCTORY #1 OF 2008

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the public hearing on Local Law Introductory #1 of 2008 – PB-BAR Adjusted Site Plan Powers – be opened at 8:35 p.m. The vote was 5-0 in favor.

The notice of hearing was read by Mayor Stebbins. A copy of the proposed local law is attached.

Speakers: Susan Goodfellow, Peter Regna, Jesse Green, JoAnn Hanson, Chiu-yin Hempel, David McFadden

Comments: These issues had been discussed when the PB/BAR was initially split; support for the change and clarification of the roles the PB and BAR; the law is not giving up authority or lessening standards and codes; the new law doesn't give the BAR the power to deny building permits when there is a pre-existing structure on a lot; buildability of a lot is determined by the BZA; application review goes through numerous levels before the Trustees approve an application. A letter from David McFadden supporting the new law was read into the record.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen to close the public hearing at 8:50 p.m. The vote was 5-0 in favor.

A brief discussion was held.

ADOPT LOCAL LAW INTRODUCTORY #1 OF 2008

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Local Law Introductory #1 of 2008 – PB-BAR Adjusted Site Plan Powers – be adopted as presented.

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

The motion was passed by a 5-0 vote.

LOCAL LAW INTRODUCTORY #3 OF 2008

Mayor Stebbins stated the purpose of the local law is to clarify a number of issues in Chapter 100-43 of the Village Code. It addresses the need for escrow deposits in advance of application reviews by the Planning Board and Board of Architectural Review consultants. Also presented was a resolution for adjusting the fee schedule regarding escrow deposits and application fees. A lengthy discussion followed. Many changes were suggested to the proposed law and a clean copy will be circulated to the Trustees. A copy of the proposed law and fee schedule that were presented are attached.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that a public hearing on Local Law Introductory #3 of 2008 (Payment of Escrow) be held on Wednesday, February 20, 2008 at 7:30 p.m. in the Village Hall.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

WORKERS' COMPENSATION INSURANCE

Mayor Stebbins reported that the Orange County government is no longer providing workers' compensation insurance to the municipalities participating in their Self-Insured Workers' Compensation program. Therefore, the Village, as a participant, has been looking for workers' compensation coverage elsewhere.

Trustee Hansen, as a result of his research of various insurance companies and price quotes received, recommends the Village go with PERMA (Public Employers Risk Management Association). A discussion followed.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board of Trustees approve the PERMA bid in the amount of \$31,885 and the management fees associated with the Village of Tuxedo Park's Tail claims for workers' compensation.

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

The motion was passed by a 5-0 vote.

WEE WAH BEACH LICENSE AGREEMENT

Mayor Stebbins thanked the presenters who spoke at the January 10th special Trustees meeting. However, it was not clear in the presentations whether backers of alternative ideas are members of the Wee Wah Beach Club, and it is the members who should determine the direction to be taken for both Village and Hamlet members.

Mayor Stebbins read a list of items that he feels should be part of the new license agreement including the length of the term of two years. Trustee Hansen and Trustee Shaw recommended a one year term. A lengthy discussion followed.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the term for the new Wee Wah Beach Club License Agreement be for two years, and that he be authorized to negotiate the terms of the new agreement to include the list of items discussed and to present the same for final approval by the Board.

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

The motion was passed by a 3-2 vote.

It is noted that resident Phil Tavani volunteered to assist Mayor Stebbins with the license agreement.

COMMITTEE MISSION STATEMENTS: VIAC AND EDAC – The Board was in concurrence with the mission statements of these two committees.

The Board was in agreement that no advisory committee should solicit bids from outside vendors for Village projects unless approval is first granted by a majority vote of the Board of Trustees.

NEW BUSINESS

LOCAL LAW INTRODUCTORY #2 OF 2008 – VIEWSHED OVERLAY DISTRICTS

The proposed law was discussed. In explanation of the proposed law, Gary Glynn, Chair of the Viewshed Advisory Committee, gave a brief background and synopsis. The Committee along with Village Planner Bonnie Franson, Technical Consultant Tim Miller and BZA Attorney Mike Donnelly, put together the new legislation. The proposed Overlay Districts are named Gateway (entering the Village) and Ridge (visible from the lakes and lake areas). A discussion followed which included the need for a special meeting for a thorough presentation of the Viewshed Committee report to the public.

A motion was made by Mayor Stebbins, seconded by Trustee Darby that a special meeting be scheduled on January 29, 2008 at 7:30 p.m. for a presentation by the Viewshed Advisory Committee on the proposed Viewshed Overlay Districts. The vote was 5-0 in favor.

NIMS (National Incident Management System)

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that he be authorized to sign the resolution of Orange County acknowledging the Village proposed Interstate Mutual Aid and Assistant Agreement for Disasters and Other Related Emergencies in accordance with those terms.

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

The motion was passed by a 5-0 vote.

RAMAPO RIVER WATERSHED INTERMUNICIPAL COUNCIL

The Board was in agreement that the Village would not join as a member, but would send the \$300 membership fee as a participation fee. Jim Hays volunteered to attend the Watershed meetings and report back to the Board.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board enter into Executive Session at 1:45 a.m. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the regular meeting be re-opened at 3:10 a.m. The vote was 5-0 in favor.

AUDIT OF CLAIMS - Bills in the amount of \$164,208.21 for the General Fund, claim numbers 1-1 to 1-112, and \$29,564.48 for the Water Fund, claim numbers W1-1 to W1-19 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Trustee Darby to adjourn the meeting at 3:10 a.m. The vote was 5-0.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer