

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
OCTOBER 15, 2008  
7:30 P.M.**

Present: Mayor Houston Stebbins  
Trustee Christopher Hansen  
Trustee James Hays  
Trustee Anna (Tinka) Shaw  
Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: John Ledwith, Chief Ken Sanford, Nancy Hays, Lucy Edwards, Jake Lindsay, Mary Graetzer, Mary Grimmig, Meg Vaught, Kathy Biehl, Alan Heywood, Chiu-Yin Hempel, Bill Fairclough, Attorney for the Village Michael Donnelly, and Brian Nugent, Esq. (Hanson).

Mayor Stebbins called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

## **REPORTS**

### Mayor Stebbins

The American Red Cross has asked to give a presentation on disaster preparedness at the Tuxedo Park School on Saturday, November 15<sup>th</sup>.

The amount of litter along Village roads has increased and residents are urged to speak to their contractors and vendors about this issue.

DEC mandated smoke testing of the West Lake Road sewer lines will be done on October 20<sup>th</sup>.

A video of Tuxedo Park appeared on YouTube which is against Village Code Section 51(1).

Residents are asked to discourage those who may not be aware of this prohibition.

Bulk trash pickup will be this Saturday, October 18<sup>th</sup>.

### Deputy Mayor Hays

He attended a NYS Dept. of State seminar on October 14<sup>th</sup> on improving local Government efficiency, with emphasis on shared services and grant proposals.

Tuxedo Reserve's revised Special Permit was discussed at recent Town Board and Planning Board meetings.

He stressed the importance of younger residents gaining an understanding of the impacts this development will have on the residents of the Village of Tuxedo Park..

**POLICE** – Chief Sanford reported on the activities for the month. A copy of the synopsis is attached. Automatic alarms were discussed and the Board asked for year to date information on a monthly basis.

**DPW** – Jeff Voss was not in attendance. A copy of the report is attached.

**ADVISORY COMMITTEES**

**INFRASTRUCTURE:** Jake Lindsay reported that Rob Zgonena joined the committee. Soil borings at the sewer plant revealed stumps, tires and other materials roughly 16-18 feet below the surface. A report is forthcoming from Engineer Carl Stone regarding replacement of equipment/storage facilities at the chlorine building. The Wee Wah Dam repair is on hold. A review of the Gruterich wall area is being done.

**SPECIAL COMMITTEE - APPOINT CHAIRMAN**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that a special advisory committee to work on new legislation contemplated under the Moratorium be established and that Chiu-Yin Hempel be appointed Chairman of the committee.

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

The motion was passed by a 5-0 vote.

**ADVISORY COMMITTEES MISSION STATEMENTS** – were reviewed and discussed. Approved were the Wildlife and Infrastructure Committees statements. The issue with O&R and the street lighting will be added to the VIAC. A statement from the Environmental Committee was read and will be posted on the Website.

**BUILDING PERMITS**Ewing

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building application of Doug & Suzanne Ewing, 8 Pepperidge Road, for changing the color of and repainting their house be approved.

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

The motion was passed by a 5-0 vote.

Farhadian

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Nassar & Shahin Farhadian, 7 Brook Farm Road, for the relocation of several doors and windows be approved.

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

The motion was passed by a 5-0 vote.

### Rein

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of Jonathan & Kathleen Rein, 74 Cliff Road, for a kitchen extension over an existing outdoor patio be approved.

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

The motion was passed by a 5-0 vote.

## **PUBLIC COMMENTS**

Speakers: Meg Vaught, Bill Fairclough, Nancy Hays, Brian Nugent (Esq.)

Comments: Only one street light working between the front gate and the intersection of East Lake Road; if the new local law on noise is passed, not being allowed to pickup leaves on weekends will be a hardship on the landscapers-time wise and financially; what is being done about illegal tree cutting; it would be unfair to vote on the moratorium until all FOIL requests have been fulfilled.

## **NEW BUSINESS**

### **SOIL BORINGS – EAST LAKE ROAD**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the Weston & Sampson engineering proposal for soil borings and a topographic survey on East Lake Road for a total contract price of \$11,690 which will be shared on a 50-50 basis with the neighboring resident, Mr. Gruterich.

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

The motion was passed by a 5-0 vote.

**LASH CONTRACTING**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the proposal of LASH Contracting for \$7,000 (2 days at \$3,500 per day) for work on the Tuxedo Lake Dam sewer line as outlined in the letter to DPW Superintendent Jeff Voss dated October 15, 2008.

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

The motion was passed by a 5-0 vote.

**APPOINT BAR MEMBER**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy to appoint Julia Simet to fill the unexpired term of Jacqueline Urrea on the Board of Architectural Review, term ending June 2010.

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

The motion was passed by a vote of 4 ayes and 1 abstention.

**CHANGE NOVEMBER AND DECEMBER MEETING DATES**

A motion was made by Trustee Hansen, seconded by Mayor Stebbins that the regular Board of Trustees meetings for November and December be changed from the third Wednesday to the second Wednesday of those months (November 12 and December 10).

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

The motion was passed by a 5-0 vote.

**APPROVE MINUTES**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the minutes of the August 20, 2008 Board of Trustees meeting be approved as amended.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the minutes of the August 29, 2008 Special Board of Trustees meeting be approved.

Vote of the Board: Trustee Worthy – aye  
Trustee Shaw – aye  
Mayor Stebbins – aye  
Trustee Hansen – abstain (did not attend 8/29/08 meeting)  
Deputy Mayor Hays – abstain (did not attend 8/29/08 meeting)

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

The minutes of the September 17, 2008 Board of Trustees meeting were tabled to the next meeting.

## **OLD BUSINESS**

### **SEQRA – LOCAL LAW INTRODUCTORY NO. 6 OF 2008 – NOISE**

The EAF for the proposed law was reviewed.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory No. 6 of 2008 is a Type I action under SEQRA.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board of Trustees assume the role of Lead Agency under SEQRA for Local Law Introductory No. 6 of 2008.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Trustees makes the determination of significance as a negative declaration under SEQRA for Local Law No. 6 of 2008.

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

The motion was passed by a 5-0 vote.

A discussion was held on the proposed law. Some language changes were made and the local law will be revised and put on the desk of the Trustees at least seven days before the next meeting.

## **PROPOSED LOCAL LAW INTRODUCTORY NO. 5 OF 2008 - MORATORIUM**

### ***ATTORNEY-CLIENT SESSION***

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board of Trustees enter an attorney-client privileged session at 10:05 p.m. to discuss issues related to the proposed moratorium. The vote was 5-0 in favor.

### ***RE-ENTER REGULAR SESSION***

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board of Trustees re-enter Regular Session at 10:39 p.m. The vote was 5-0 in favor.

### ***DISCUSSION ON THE PROPOSED MORATORIUM***

A discussion was held. Mr. Donnelly noted that a prior public hearing on Local Law Introductory No. 5 of 2008 was held, the law in its present form was on the desk of the Board of Trustees for more than seven days, and a response was received from the Orange County Planning Department stating this is a matter for local determination. Local Law Introductory No. 5 of 2008 by definition is a Type II action under SEQRA.

## **ADOPT LOCAL LAW INTRODUCTORY NO. 5 OF 2008 – MORATORIUM**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Trustees approve the adoption of Local Law Introductory No. 5 of 2008 which institutes a moratorium on certain zoning approvals concerning construction on a ridge line or at the edge of a precipice in the Village of Tuxedo Park.

Vote of the Board: Trustee Worthy – aye  
Trustee Shaw – no  
Trustee Hansen – no  
Deputy Mayor Hays – aye  
Mayor Stebbins – aye

The motion was passed by a 3-2 vote.

### **ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board enter into Executive Session at 11:12 p.m. to discuss DEC enforcement action, the Dyne litigation and other potential litigation, the Traffic Guard contract and other employee contract issues. The vote was 5-0 in favor.

### **REOPEN REGULAR SESSION**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the regular session be reopened at 12:03 a.m. The vote was 5-0 in favor.

### **APPROVE TRAFFIC GUARD CONTRACT**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Traffic Contract be approved as presented.

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

The motion was passed by a 5-0 vote.

**AUDIT OF CLAIMS** - Bills in the amount of \$132,650.21 for the General Fund, claim numbers 10-1 to 10-90 and \$19,004.06 for the Water Fund, claim numbers W10-1 to W10-15 were audited and ordered paid.

### **ADJOURNMENT**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 1:30 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah Matthews  
Village Clerk-Treasurer

These minutes were approved by the BOT on 1/29/09.