

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
NOVEMBER 12, 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, Jeff Voss, Rick Golden (Esq), Kelly Naughton (Esq.), Brian Nugent (Esq. for Donald Hanson), Donald Hanson, Mary Graetzer, Jake & Michele Lindsay, Joan Alleman, Kathy Biehl, Lucy Edwards, Mary Grimmig, Mr. & Mrs. Ken Stewart, Tom Salierno, Chiu-yin Hempel, Alexa Yannuzzi, JoAnn Hanson, Dena Steel, Richard Messer (Eng.) and others

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

REPORTS

Mayor Stebbins

Reported an auto fatality occurred in the Village last week and is under investigation. Landscapers are blowing leaves onto neighboring properties and Village property to avoid dumping costs. Homeowners should consider mulching on site and composting. Even though signs were posted and cones placed, drivers still crossed the wet paint lines. The deer drives being conducted for November weekends are not part of a Village committee nor sanctioned by the Village. Participants must have a NYS Hunting License. Speeding in the Village is an increasing problem and Chief Sanford is being asked to plan to address it.

Deputy Mayor Hays

Held discussions with Jeff Voss (DPW Superintendent) and the Town regarding sharing of equipment, services and storage. Concerned with wear and tear on Village roads and is exploring ways to assess fees and increase income for the Village. The Town of Tuxedo Planning Board will be meeting between 10:00 am and 2:00 pm to review the Tuxedo Reserve Special Permit application waivers. He urges Village residents to attend.

Trustee Shaw

Reported the Village received a \$16,000 grant from the Orange County Planning Department for the lake study. She thanked Susan Goodfellow and Village Planner Bonnier Franson for all their work in applying for the grant.

Police

Chief Sanford read the synopsis of October Police activities.

DPW

DPW Superintendent Jeff Voss requested the Board's approval to sell the old 1968 Backhoe which is no longer useful to the Village.

He also asked for permission to purchase a 40' x 70' tarp to cover the clarifier at the Sewer Plant. The cost is \$10,000-12,000. The Board agreed to the purchase of the tarp, provided three (3) written quotes are received from suppliers and the cost not exceed \$14,000.

DECLARE SURPLUS EQUIPMENT

A motion was made by Trustee Shaw, seconded by Mayor Stebbins that the DPW's 1968 Backhoe be declared surplus equipment and that it be advertised for bid and sold.

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.

ADVISORY COMMITTEES

Infrastructure: Jake Lindsay reported that five bids were received for the roof replacement at the Water Plant rental house. He recommended the low proposal of \$7,675 be awarded to Groesbeck & Groesbeck.

Ridgeline and Precipice: Chairman Chiu-yin Hempel outlined the proposed timeline for presenting their findings, holding a public hearing, and a final report by the end of February. Committee members include Susan Boyle, William Russell, Ann Zgonena, and Serene Swirbul as well as Village Attorney Golden and Village Planner Bonnie Franson.

BUILDING PERMITS

Bartlett: A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of Richard & Kerri Bartlett, 161 Continental Road, for a pool house renovation 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.

197 Wee Wah: A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the building permit application for 197 Wee Wah LLC for the demolition of a single family dwelling located at 197 Wee Wah Road be approved.

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

The motion was passed by a 5-0 vote.

HANSON

A lengthy discussion was held on the pending expiration (November 16th) of Donald Hanson's building permit for 4 Tower Hill Road and the need for Mr. Hanson to address the water runoff from his property and other related issues. Mr. Hanson's attorney, Brian Nugent (Feerick Lynch MacCartney) was also in attendance and asked that the Board grant an extension to Mr. Hanson's building permit. The Board indicated that it needed additional information from Mr. Hanson in order to make its decision.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the decision on the extension of Mr. Hanson's building permit that expires on November 16, 2008 be tabled until the next Board of Trustees meeting on December 10, 2008.

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.

PUBLIC COMMENTS

Speaker: Michele Lindsay

Comments: Is there anything in the new law that can be done regarding landscapers blowing leaves onto neighboring properties.

OLD BUSINESS

ADOPT LOCAL LAW INTRODUCTORY #6 OF 2008 – NOISE

A prior public hearing on this proposed law was held on September 17th with further discussions held at the October 15th and the November 12th Board of Trustees meetings.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory No. 6 of 2008, which amends Chapter 70 (Peace and Good Order) of the Code of the Village of Tuxedo Park by modifying the restricted site activities producing noise beyond property lines and certain other property maintenance activities, be adopted.

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

The motion was passed by a 5-0 vote.

NEW BUSINESS

GUIDE RAIL ON WEST LAKE ROAD- A discussion was held regarding the guide rail along the Yannuzzi property on West Lake Road. Mayor Stebbins will meet with Mrs. Yannuzzi and the Village Engineer next week to discuss resolution options.

INFRASTRUCTURE PROJECTS AND CONTRACT

Weston & Sampson – Richard Messer: Gave a project update on 1) Infrastructure Management Committee, 2) Sewer Plant Maintenance Building Repair, 3) Sewer System Evaluation Survey (SSES), 4) Chlorine Building Repairs, 5) Gruterich Wall, 6) BAR Meetings, and 7) PB Meetings.

Roof on Rental House(at Water Plant): A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board approve the proposal of Groesbeck & Groesbeck Home Improvements dated Nov 11, 2008 subject to the Village Engineer and Village Attorney outlining the major element of this contract in an acceptable form to the Village for costs as outlined for \$7,675 with an additional time and work for \$2,325 for a total not to exceed \$10,000.

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

The vote was passed by a 5-0 vote.

LOCAL LAW INTRODUCTORY #7 OF 2008 – FENCES

SEQRA: A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory No. 7 of 2008 dealing with the adoption of the permanent fence law is a Type II action under SEQRA.

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.

Public Hearing: A motion was made by Mayor Stebbins, seconded by Trustee Worthy that a public hearing date be set for December 10th at 7:30 p.m. for Local Law Introductory No. 7 of 2008 amending Chapter 49 of the Code of the Village of Tuxedo Park by making the temporary fence law permanent.

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

The motion was passed by a 5-0 vote.

LEVY UNPAID VILLAGE TAXES

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Village Clerk be authorized to send to the County of Orange Commissioner of Finance the attached list of unpaid 2008-2009 Village taxes in the amount of \$156,584.64 for re-levy onto the January 2009 Town/County Tax Bill. (A copy is attached.)

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

The motion was passed by a 5-0 vote.

Village Attorney Rick Golden will research whether the unpaid Town water bills can be levied by the Village through the Town.

POLICY FOR SETTLING WATER AND PROFESSIONAL FEES OBLIGATIONS

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the Administrative Policy for settling the outstanding balances of residents for unreimbursed professional fees and delinquent water bills due the Village of Tuxedo Park in the Mayor's Memorandum to the Board outlining same dated November 9, 2008.

Vote of the Board: Trustee Worthy – aye
Trustee Hansen – aye
Trustee Shaw – aye

Mayor Stebbins – aye
Deputy Mayor Hays – aye

The motion was passed by a 5-0 vote.

APPOINT FIRE COMMISSIONER

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Ken Magar be appointed to the Board of Fire Commissioners for the Tuxedo Joint Fire District.

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.

TUXEDO VOLUNTEER FIRE DEPT. REQUESTS

- 1) A discussion was held on the Fire Department's request to use the dry hydrant on Wee Wah Lake and access to it from Warwick Brook Road. Mayor Stebbins will tour the area tomorrow with Patrick Welsh, Tuxedo Fire Dept.
- 2) The Fire Dept. would like permission to mark the trees along the roadways in the Village that need trimming in order for the fire trucks to pass.

APPROVE MINUTES

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the November 5, 2008 Emergency Board of Trustees Meeting be approved as presented.

Vote of the Board: Trustee Hansen – aye
Trustee Worthy – aye
Mayor Stebbins – aye
Deputy Mayor Hays – abstain (not present at 11/5 meeting)
Trustee Shaw – abstain (not present at 11/5 meeting)

The motion was passed by a 3-0-2 (abstentions) vote.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the September 17, 2008 Board of Trustees Meeting be approved as amended.

Vote of the Board: Deputy Mayor Hays – aye
Mayor Stebbins – aye
Trustee Hansen – aye
Trustee Shaw – aye
Trustee Worthy – abstain (not present at the 9/17 meeting)

The motion was passed by a 4-0-1 (abstention) vote.

COUNTY DVD AGREEMENT

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board approve the Data Sharing Agreement between the County of Orange and the Village of Tuxedo Park in accordance with the draft given to the Trustees at the November 12th Board meeting and as approved by Village Attorney Rick Golden in order for the Village to obtain a DVD providing essential information for the Ridgeline and Precipice Committee and other uses.

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.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board adjourn to Executive Session at 11:17 p.m. to DEC enforcement action, the Dyne litigation and a Village personnel matter. 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 1:00 a.m. The vote was 5-0 in favor.

AUDIT OF CLAIMS - Bills in the amount of \$201,493.06 for the General Fund, claim numbers 11-1 to 11-93, \$21,286.19 for the Water Fund, claim numbers W11-1 to W11-13, and \$4,700.00 for the Capital Projects Fund, claim number C11-1 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