

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
FEBRUARY 20, 2008
7:30 P.M.**

Present: Mayor Houston Stebbins
Deputy Mayor Lawrence Darby
Trustee Christopher Hansen
Trustees Anna (Tinka) Shaw
Trustee Charlotte Worthy

Clerk: John C. Ledwith

Also: Mary Graetzer, Jack & Audrey Perry, Lucy Edwards, Philip Tavani, Michele Lindsay, JoAnn Hanson, Gardiner & Chiu-yin Hempel, David McFadden, Alan Heywood, Bonnie Takeuchi, Mary Darby, Dena Steele, Matt King (THR Reporter)

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

REPORTS

Mayor Stebbins

He thanked the Board for their hard work during the past few months during which several special meetings and an emergency meeting were held.

He asked all residents to familiarize themselves with the proper recycling procedures as the Village is still receiving complaints from Sterling Carting.

A residential fuel tank leaked on the west side of Tuxedo Lake and Castleton Environmental Contractors was called in by the homeowner. The three lakes have not been affected but some fuel did leak into the Village sewer line. Cleanup and monitoring is ongoing.

Deputy Mayor Darby

Village departments are operating within budget and the department heads are to be commended for their good work in this area.

Engineering expenses are outpacing the budget, but labor expenses are predictable and in line with the budget.

Progress continues in implementing BST recommendations.

On January 21, 2008 department heads were asked to submit numbers for the 2008-2009 proposed budget.

Billing has begun for unpaid professional fees owed by applicants to the various Village boards.

POLICE – A synopsis of the January activities is attached. A discussion was held on the hiring of a part time police officer.

APPOINT POLICE OFFICER

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that Richard C. Jackson be hired as a part time Police Officer, at a rate of \$20.00 per hour, effective February 19, 2008.

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

The motion was passed by a 5-0 vote.

DPW – Superintendent Jeff Voss reported that an inspection of the water plant was done by the NYS Dept of Labor Safety and Health Division. Overall the inspection was good. Eight of the ten violations have been resolved with the two remaining to be resolved shortly.

ADVISORY COMMITTEES

Infrastructure Committee and Environmental Committee – Trustee Shaw reported: the Wee Wah Dam is the top priority - an underwater assessment must be done to generate a report detailing the steps involved with repair; engineers are preparing an estimate for costs to repair the crack in the sewer plant maintenance building; the Chlorine shed building has damage and needs to be repaired quickly; the DPW building roof leaks and estimates have been received for repair; Storm Water Management has been discussed at length; a five-year plan is being worked on for Village Sewer and Water lines; GIS maps will help with these plans; the Village has extended their contract with Engineers O'Brien & Gere to include investigating the possibility of moving some of the Village water and sewer lines; an RFP will be going out to seek assistance in monitoring the lakes under the Lakes Management Plan.

VIAC – Michele Lindsay corrected the misconception that no work has been done on Village water lines – updates were done about 10 years ago along the Causeway. The committee is working with the Wee Wah Beach Club to address safety issues, and also compiling their own list of priority projects.

TUXEDO JOINT FIRE DISTRICT – COMMISSIONER

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that Ken Clark be appointed a Fire Commissioner on the Board of Fire Commissioners in the Tuxedo Joint Fire District.

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.

BUILDING PERMITS

El-Rayess

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the building permit application of Tamer El-Rayess, Crows Nest Road, Tax Map No. 105-1-8, for a six-month extension, be approved.

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.

Alderisio

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board of Trustees uphold the Stop Work Order issued to Joseph Alderisio for exterior changes made to his garage without a permit, and that Mr. Alderisio apply to the BAR for approval of the change.

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.

Gazin

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board, upon the recommendation of the Building Inspector, lift the Stop Work Order previously issued to Gennady Gazin as the violations have been resolved.

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.

TEMPORARY ADJOURNMENT / RESUME REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the meeting be adjourned AT 9:05 p.m. so everyone can go outside to watch the lunar eclipse. The vote was 5-0 in favor.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that regular session be resumed at 9:15 p.m. The vote was 5-0 in favor.

PUBLIC COMMENTS

Speakers: Mary Graetzer, Alan Heywood, Philip Tavani

Comments: Why is the Village hiring a new part time officer instead of a full time officer; regarding the By-Laws of the Wee Wah Beach Club, why is altering the election process of the Club officers necessary; a five-five split offers a voice to Village residents; how does the agreement provide for the safety and welfare of the Village residents; when were bills sent out for professional review fees, were any contested, and what actions the Board plans to take for remaining unpaid accounts.

UNFINISHED BUSINESS

WORKER'S COMPENSATION INSURANCE PLAN

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Village terminate its Worker's Compensation Insurance Plan with Orange County Risk Management and contract with PERMA for its Worker's Compensation Insurance coverage.

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.

WEE WAH BEACH CLUB LICENSE AGREEMENT – A discussion was held on the contents of the agreement, including the nominating process of club officers, terms of the lease, and language in the club's Constitution.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Wee Wah Beach Club License Agreement be approved as amended.

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.

WEE WAH DAM CONTRACT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board authorize the contract with Weston & Sampson for the inspection of the Wee Wah Dam spillway area using underwater divers at a cost of \$9,900.

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

The motion was passed by a 5-0 vote.

LOCAL LAW INTRODUCTORY #3 OF 2008 – RELATIVE TO PAYMENT OF FEES AND ESCROW MONIES FOR VILLAGE CONSULTANTS' FEES BY APPLICANTS TO THE PLANNING BOARD, THE BOARD OF ARCHITECTURAL REVIEW, THE BOARD OF ZONING APPEALS, BUILDING INSPECTOR AND THE BOARD OF TRUSTEES

PUBLIC HEARING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the public hearing on Local Laws Introductory #3 of 2008 be opened at 10:30 p.m.

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.

There were no comments from the public.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the public hearing be closed at 10:31 p.m.

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.

A lengthy discussion was held.

ADOPT LOCAL LAW INTRODUCTORY #3 OF 2008 – PAYMENT OF FEES AND ESCROW MONIES FOR VILLAGE CONSULTANTS’ FEES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that Local Law Introductory #3 of 2008 – Payment of Fees and Escrow Monies for Village Consultants’ Fees, which will be filed with the New York State Department of State as Local Law #2 of 2008, be adopted.

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

The motion was passed by a 5-0 vote.

REVISED SCHEDULE OF FEES AND ESTABLISHMENT OF ESCROW POLICY – A review of the complete fee schedule was held.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board adopt the following resolution for the new ‘Revised Schedule of Subdivision and Zoning Fees and Establishment of Escrow Policy’:

Whereas, Section 100-43 of the Village Code authorizes the Board of Trustees from time to time to publish a Schedule of Fees for various reviews performed in connection with the Subdivision and Zoning provisions of the Village Code, and

Whereas, the last revision to such Fee Schedule was in 2008, and the level of activity of Subdivision and other reviews by the Planning Board, Board of Architectural Review and the Board of Zoning Appeals has increased significantly in that time, with the concomitant escalation of the Village’s professional fees associated with such reviews, and

Whereas, the Board of Trustees desires to simplify the present schedule of fees, modify it in a manner that reflects expenses incurred on applications of similar scope, and provide for an escrow mechanism to ensure that the fees incurred on a particular application remain the responsibility of those of those applicants requesting reviews and do not become a general Village charge,

Now, Therefore, Be It Resolved that the Village of Tuxedo Park hereby adopts the following Schedule of Subdivision and Zoning Fees, effective immediately and applicable to all pending applications. (Schedule is attached.)

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.

NEW BUSINESS

WEE WAH FISHING CLUB LICENSE AGREEMENT – A discussion was held.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board enter Executive Session at 11:45 p.m. to discuss litigation and Village employee matters. The vote was 5-0 in favor.

RE-OPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board re-open regular session at 1:00 a.m. The vote was 5-0 in favor.

AUDIT OF CLAIMS - Bills in the amount of \$168,599.85 for the General Fund, claim numbers 2-1 to 2-94, and \$16,164.30 for the Water Fund, claim numbers W2-1 to W2-13 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the meeting be adjourned at 1:15 a.m.

Respectfully submitted,

John C. Ledwith IV
Deputy Village Clerk-Treasurer

These minutes were approved by the BOT on 7/8/09.