

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

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

Clerk: Deborah A. Matthews

Also: John Ledwith, Jeff Voss, Rick Golden, Esq.
Meg Vaught, Jake Lindsay, Mary Graetzer, Charlen Cathcart, Alan Heywood,
Joan Alleman and friend, Anthony Mason, Dena Steele, Kathy Biehl, Lesley
DeVore, Richard Wittee and others

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

REPORTS

Mayor:

DEC Consent Order/Tuxedo Lake Dam negotiations are ongoing, vegetation on all dams to be removed.

Village cash position running ahead of same time last year.

July and August normal algae buildup in the Wee Wah, Princeton Hydro informed.

Village must apply now for permit to treat algae next year.

70% of Village residents participating in recycling program.

Security concerns regarding non-residents entering the Village.

Complaints received regarding roaming dogs and relieving themselves on neighboring properties.

The Police have been issuing summons to residents as well as non-residents.

Deputy Mayor:

Met with DPW Superintendent Jeff Voss and will continue on a monthly basis. One of the projects needing attention is the painting of the DPW building.

Met with VIAC and discussed future projects.

Met with Town Supervisor Dolan to discuss Town issues that directly impact the Village, for example Tuxedo Reserve and their proposed revision to their Special Permit.

Trustee Worthy:

Met with the Infrastructure Committee and discussed needed repairs such as the sewer plant building and the chlorine shed.

As liaison to the BAR, review of the neighbor notification process for new applications needs attention.

Trustee Shaw:

Princeton Hydro has begun sampling from all three lakes in order to establish a baseline for their study of our watershed.

CSLAP is progressing with their testing as is Scott Kishbaugh (DEC) for the Village's participation in the NYS Study of Lakes.

Trustee Hansen:

Requested his article from June on the Sterling Place Settlement be posted on the Village's website.

DPW

DPW Superintendent Jeff Voss thanked the Board for hiring Bill Kyles as an M.E.O. in his department.

Violations at the water plant cited by the NYS Dept. of Labor earlier this year were immediately abated to the satisfaction of the NYSDOL.

The Orange County Dept. of Health reported that only 65% of water produced at the water plant is reflected in the metered water. The remaining 35% calculation of loss will be validated, and the Village will investigate where it is going.

The three prospective software companies for the new water billing program are being further investigated for reports compatibility and customization.

ADVISORY COMMITTEES

Infrastructure:

Jake Lindsay reported the Mission Statement is complete. The Committee is also working on a five year comprehensive plan of projects and will be working with the Village Engineer and Trustees to prioritize.

W&S will be overseeing the soil borings around the sewer plant building to determine the extent of needed repairs.

BUILDING PERMITS

Tuxedo Club

The building permit application of the Tuxedo Club for upgrading exterior lighting fixtures, although approved by the BAR on August 5, 2008, was not approved by the Board of Trustees as the Tuxedo Club has significant unpaid professional fees owed to the Village.

Lin

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the building permit application of David Lin and Kathy Ma, 21 Lorillard Road, for a garage, deck and terrace addition.

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

The motion was passed by a 5-0 vote.

Mengel

A motion was made by Mayor Stebbins, seconded by Trustee Hays that the Board approve the building permit application of Philip and Jayne Mengel, 127 West Lake Road, for a cobble drive, fence, stone walk, stone landing, stone wall and stone steps, and that a \$1,000 escrow deposit is required before the permit is issued.

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.

Marcus

A motion was made by Mayor Stebbins, seconded by Trustee Hays that the Board approve the building permit application of Peter Marcus, 247 West Lake Road, for a two story rear addition (garage and game room), new driveway and a fish pond, and that an escrow deposit is required before the permit is issued.

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

The motion was passed by a 5-0 vote.

Kaufman

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that based on the building inspector's request, Attorney for the Village Rick Golden be authorized to review the file and address the Kaufman boat house matter in order to facilitate a solution to his building code violations or promptly take appropriate legal action.

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.

Hanson/Stewart

There is concern about the alledged water runoff from the Hanson property onto the Stewart property continues to be a problem. The DPW has recently installed a deeper culvert along Continental Road in an effort to alleviate the runoff. In addition, the ongoing project on the Hanson house is not complete and his renewed building permit will expire in October. A

discussion was held. The Board agreed that the issue will be acted upon by the Building Inspector in accordance with the Village Code.

PUBLIC COMMENTS

Speakers: Anthony Mason, Alan Heywood

Comments: When will O&R begin tree trimming? When will the burned out street lights be replaced? The Village roads need sweeping. What are the plans for paving and resurfacing the roads, some areas are badly in need of repair. Many trees have fallen in the lakes and the property owners should be responsible for removing them.

Response: O&R is already trimming the trees. O&R is working on replacing bulbs in key areas, but will only replace broken fixtures by using others in the Park. The DPW is sweeping the roads when time permits. Repaving and resurfacing is already on the DPW's agenda for the fall, including the specific roads mentioned. A list of the fallen trees should be submitted to the Village Office.

OLD BUSINESS

CORRECTION TO MEETING DATES

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Planning Board meeting schedule as listed in the July 16, 2008 Reorganization Meeting minutes be corrected to read: 1st & 3rd Mondays of the month at 7:30 p.m.

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.

DISCUSSION OF AND SETTING OF PUBLIC HEARING DATE ON LOCAL LAW INTRODUCTORY NO. 6 OF 2008 – NOISE

A lengthy review of the proposed local law pertaining to noise on weekends and holidays was held. It was noted that a SEQRA review will be done at the public hearing.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board accept the wording in Local Law Introductory No. 6 of 2008 on Noise as prepared by Attorney Rick Golden and that a public hearing be scheduled on September 17, 2008 at 7:30 p.m.

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.

DISCUSSION OF AND SETTING OF PUBLIC HEARING DATE ON LOCAL LAW INTRODUCTORY NO. 5 OF 2008 - MORATORIUM

A lengthy review of the proposed local law regarding a moratorium for building on a ridgeline or precipice was held. It was noted that the proposed law must be sent to the Orange County Planning Dept. for their review. A vote on the law cannot be made until a written decision is received from the county or 30 days have passed from the date of submission.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that a public hearing on Local Law Introductory No. 5 of 2008 on the Moratorium as prepared by Attorney Rick Golden and that a public hearing be scheduled on September 17, 2008 at 7:30 p.m.

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.

PROFESSIONAL REVIEW FEES

A lengthy discussion was held regarding the \$116,000 that remains on outstanding professional review fees. The Board was in agreement that Attorney Rick Golden would draft a collection letter that will be sent to everyone having unpaid balances.

NEW BUSINESS

O'BRIEN & GERE CONTRACT

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board authorize payment of the O'Brien & Gere lump sum proposal in their letter of April 7, 2008 for \$26,000 for the seven (7) tasks outlined plus an additional amount of \$5,000 for other tasks related to the Tuxedo Lake Dam as supported by a new proposal letter which will be provided to the Board prior to the additional sum of \$5,000 being paid.

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.

It was noted that the Tuxedo Club is billed for one half the amounts of all O'Brien & Gere bills.

APPOINT ATTORNEY FOR THE VILLAGE

A discussion was held regarding the appointment of a local law firm as the Attorney for the Village.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board appoint the firm of Burke, Miele & Golden, LLP as the Attorney for the Village with the assistance of the firm Dickover, Donnelly, Donovan & Biagi when and if needed.

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.

REORGANIZATION MEETING ATTORNEY CLASSIFICATION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the law firms of Roemer Wallens & Mineaux, LLP, Tannenbaum, Helpert, Syracuse & Hirschtritt, LLP, The West Firm, LLC, and Grant & Lyons, LLP, who are designated as Attorneys for the Village in the Reorganization Meeting of July 16, 2008, each be re-characterized as Special Counsel to the Village.

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.

DYNE PROPERTY - A discussion followed regarding the ongoing violations on the Douglas Dyne property located on Summit Road and Mr. Dyne's appearance before the Village Justice on August 14th.

ENTER EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board go into Executive Session at 12:40 a.m. to discuss pursuing Dyne civil litigation in Orange County Supreme Court. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board reopen the regular meeting at 1:00 a.m. The vote was 5-0 in favor.

DYNE CIVIL LITIGATION /ORANGE COUNTY COURT

A motion was made by Trustee Hansen, seconded by Deputy Mayor Hays that the Board adopt the following resolution authorizing the law firm of Burke, Miele & Golden, LLP to initiate legal action against Douglas Dyne in New York State Supreme Court:

WHEREAS, upon the inspection of certain property by the Village of Tuxedo Park Building Inspector it clearly appeared that the property located at 65 Summit Road, Tuxedo Park, New York is not in compliance with the Code of the Village of Tuxedo Park in that various materials, including junk and abandoned vehicles and vehicle parts, are situated and have remained on the property owned and/or controlled by Douglas M. Dyne, thereby constituting continuous violations of the Village Code, and

WHEREAS, a Notice was issued to Douglas M. Dyne on April 30, 2007 by the Village of Tuxedo Park Building Inspector informing him that he was in violation of the following sections of the Code of the Village of Tuxedo Park: Section 75-9, Exterior Maintenance Standards; and Section 100-15 Restrictions on Parking Certain Vehicles and Equipment, and

WHEREAS, a Notice was again issued to Douglas M. Dyne on May 23, 2008 by the Village of Tuxedo Park Building Inspector advising him of the fact that he was in violation of the above-noted sections of the Village Code, and that he had ten days to abate, remove, cure, prevent or desist regarding these violations, and

WHEREAS, Douglas M. Dyne was granted a twenty (20) day extension to cure the violations previously noticed,

WHEREAS, more than twenty (20) days have passed since the Notice and its extension, and the Village Board of Trustees is advised by the Village's Building Inspector that the noted violations continue to this day unabated in whole or in part,

NOW, THEREFORE, BE IT RESOLVED, that the VILLAGE OF TUXEDO PARK hereby authorizes the law firm of Burke, Miele & Golden, LLP, Goshen, New York, to prepare all necessary papers, and file in the New York State Supreme Court any legal action or actions necessary, upon any appropriate cause of action and/or violation, against Douglas M. Dyne, and/or any other appropriate party or parties, seeking any lawful remedies under State and local law, including injunctive and other equitable relief, and penalties, to enforce, restrain, correct and/or abate the violations referenced above.

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

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

REVIEW OF REORGANIZATION MEMORANDUM ADVISORY COMMITTEES

Mayor Stebbins clarified the designation of TBD (To Be Determined) in the Reorganization Memo by saying that membership reflects the revolving nature of the committees and does not imply that an entirely new membership begins each year. A discussion was held regarding the role of Advisory Committees as advisers to the Board of Trustees. It was noted that Mission Statements should list new projects or continuing ones for the Trustees to prioritize.

AMEND RESOLUTION OF JULY 1, 2008 – POLICE CHIEF SALARY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the resolution made at the July 1, 2008 Special Board of Trustees meeting regarding the Police Chief's salary be clarified to reflect that the contract base wage consists of \$91,500 plus a \$2,000 one time bonus.

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.

APPROVAL OF MINUTES

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the July 1, 2008 Special Board of Trustees Meeting be approved as amended.

Vote of the Board: Trustee Hansen – aye
Trustee Worthy – aye
Mayor Stebbins – aye
Trustee Shaw – abstain (did not attend the July 1st meeting)
Deputy Mayor Hays – abstain (did not attend the July 1st meeting)

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

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the minutes of the July 16, 2008 Reorganization 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 Hansen that the minutes of the July 16, 2008 Regular Board of Trustees meeting be approved as amended.

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.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board enter into Executive Session at 2:40 a.m. to discuss litigation and employee matters. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board re-enter regular session at 3:25 a.m. The vote was 5-0 in favor

AUDIT OF CLAIMS - Bills in the amount of \$244,875.19 for the General Fund, claim numbers 8-1 to 8-106 and \$63,308.09 for the Water Fund, claim numbers W8-1 to W8-14 were audited and ordered paid.

ADJOURN

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the meeting be adjourned at 3:30 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer

Approved by BOT 10/15/08