

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
SEPTEMBER 17, 2008
7:30 P.M.**

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

Absent: Trustee Charlotte Worthy

Clerk: Deborah A. Matthews

Also: John Ledwith, Chief Sanford, Rick Golden, Esq., Dena Steele, Sue and Alan Heywood, Mary Graetzer, Lucy Edwards, Joan Alleman, Bill Westby, Lesley DeVore, Alan Stenberg, Mary Grimmig, Meg Vaught, Kathy Norris, Kathy Biehl, Jake Lindsay, Peter Regna, Fran Rausch, Richard Witte, Reverend McWhorter, Brian Nugent, Esq. (Freerick Lynch MacCartney)

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

REPORTS

Mayor:

Tuxedo Lake Dam-soil drilling core samples were taken from the embankment and ultrasonic pipe testers examined the sewer lines. The results appear positive for the Village. The DEC has hired a peer review expert to evaluate the site specific study data developed by Applied Weather Associates.

The Town Board is holding a meeting on September 22nd to hear Tuxedo Reserve's proposed amendment to their Special Permit.

New water billing software has been purchased.

Going forward, the Trustees will be asked periodically to update the Board on their assigned responsibilities and tasks.

Deputy Mayor:

The Town Relations Advisory Committee (TRAC) held their first meeting on September 14th and is working on their mission statement. New members are welcome and encouraged to join. He met with Town Supervisor Peter Dolan to discuss the amended Special Permit for Tuxedo Reserve and outlined some of the major changes.

Met with DPW Superintendent Jeff Voss and toured the DPW building which needs repair.

Trustee Shaw:

Reported that the O.C. Health Department used outdated reports in their determination that only 65% of water production is being reflected as metered sales. To better monitor water usage, meters will be installed in the sewer plant and water plant to measure water used in their daily operations, which is not currently being metered. Water usage estimates will also be done during hydrant flushing.

DPW

Superintendent Voss was not present. Mayor Stebbins reported portions of West Lake Road will be resurfaced during the week of September 29th, between the Regna residence and Duck Hollow. Signs will be posted.

POLICE

Chief Sanford read the synopsis of August Police activities. He reminded residents to use extreme caution on the roadways as school is now in session.

ADVISORY COMMITTEES

VIAC: Alan Heywood reported that 1) O&R street lights and billing still a problem, 2) the committee would like to improve street signage at intersections of Clubhouse and Tower Hill Roads as well as East Lake Stable and Fox Hill, 3) fallen trees are still in the lakes and need attention, 4) Tuxedo Park signs at gateways need refurbishing and would like \$1,000 to spend, and 5) the VIAC mission statement was submitted for BOT approval.

Infrastructure (IAC): Jake Lindsay reported that 1) W&S proposals submitted for SSES, maintenance building repair, and chlorine building repairs and 2) infrastructure project prioritization being worked on.

BUILDING PERMITSGranito

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the building permit application of Mr. & Mrs. Michael Granito, 172 Tuxedo Road, for Belgian block driveway curbing.

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

The motion was passed by a 4-0 vote.

Beard Corp.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the building permit application of Beard Corp., 119 Laurel Road, for the removal of an earthen berm behind the house.

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

The motion was passed by a 4-0 vote.

Gwathmey

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the building permit application of Archie Gwathmey, 17 Continental Road, for a garage addition, driveway, and retaining walls, with specific request by the BOT that Gwathmey is notified that they can proceed "at risk" since there is the pending BZA appeal.

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

The motion was passed by a 4-0 vote.

PUBLIC COMMENTSSpeakers and Comments:

Christopher Isles – Speaking on behalf of the Elene deSaint Phalle Irrevocable Trust, they are party to the action by the DEC but have been excluded from the discussions by the Tuxedo Club and the Village, and they don't know what has been going on. They are willing to work amicably and reasonably with the Village and Club. They are still requesting a copy of the Tuxedo Lake Dam O'Brien & Gere engineering report and are willing to pay their proportional share. Mr. Isles stated that being asked to pay 33% of the cost is too much since they only own 270 ft. of the dam embankment which is only 1% of the area.

Mayor Stebbins - Mr. Isles' points will be raised with the Attorney Tom West for his interpretation.

Mary Graetzer - BOT meetings are too long and run too late. New local laws should be done at a meeting separate from the regular monthly meeting. Is the Village getting legal counsel on the new Tuxedo Reserve amendment to their Special Permit?

Deputy Mayor Hays - Attorney Golden has been asked for his advice on the document.

OLD BUSINESS

Mayor Stebbins read the notice of hearing for the proposed local law that was published in the Times Herald-Record on September 3, 2008.

PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 6 of 2008 – NOISEOpen Hearing

A motion was made by Mayor Stebbins, seconded by Trustee Hansen to open the public hearing on Local Law Introductory No. 6 of 2008 at 8:48 p.m. The vote was 4-0 in favor.

Speakers

William Westby - Noise should be specified in decibel ratings, there's no wording to allow for snow removal in the winter, it should be made more clear as to who is allowed to mow or use a snow blower.

Trustee Hansen read a letter from Joseph McCann (9/17/08) who is in favor of the noise law but not in allowing landscapers to run leaf blowers every Saturday in the autumn, and an e-mail from Chris Sonne (9/17/08) who wants to be allowed to do normal property maintenance on Saturdays.

Lesley DeVore – Is construction work permitted on the weekend?

Peter Regna – Will contractors be stopped and turned away if they enter the Village on a weekend or Holiday?

Fran Rausch - Residents must be informed of the new law so they in turn can inform their workers.

Close Hearing

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the public hearing be closed at 9:15 p.m. The vote was 4-0 in favor.

It was noted that no landscapers were in attendance or spoke on the proposed law. A discussion was held on the suggestions made from the public. The Board was in agreement that modifications be made to the wording: Leaf removal on weekends will not be allowed and an exception will be made for snow and ice removal and certain other emergency situations. Attorney Golden will draft a new version and forward it to the Trustees at least seven days before the next meeting in which the law will be discussed.

PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 5 OF 2008 – BUILDING MORATORIUM FOR RIDGELINE & PRECIPICE AREAS

Mayor Stebbins read the notice of hearing for the proposed local law that was published in the Times Herald-Record on September 3, 2008.

Open Hearing

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the public hearing on Local Law Introductory No. 5 of 2008 be opened at 9: 30 p.m. The vote was 4-0 in favor.

Speakers

Alan Stenberg – Expressed his opposition to the moratorium and feels it is directed at a particular applicant. He believes if the Village prevents anyone from building on their lot because of the moratorium, litigation will result and tax dollars thrown away.

Kathy Norris – Why would an applicant go through the process if he's not eligible for a building permit. If the outcome of the moratorium is uncertain, it would be difficult for the applicant to plan ahead. If the moratorium is passed, certain properties would be valueless until it was lifted. If building is prohibited on a ridgeline/precipice the Village should condemn and purchase the property.

Joan Alleman – Asked how many buildable lots remain in the Village and if a moratorium is worth it for a small number.

Brian Nugent, Esq. (Attorney for Richard Heibel) – Distributed Dennis Lynch’s letter to the BOT in which he is objecting to the proposed moratorium (letter previously sent to Attorney Golden). He questioned the validity of the public hearing which began at 9:30 p.m. but was noticed for 7:30 p.m.

Peter Regna – The original restriction for building on a ridgeline/precipice was put in place in the 1980’s because more and more houses were being built at the edge of the properties. The moratorium is an attempt to allow time to clarify the current law which is unclear and confusing. He is in favor of the moratorium but it should be in effect for the shortest time possible.

Fran Rausch – The moratorium will allow the Village to create flexibility for building on a ridgeline where there currently is none. It should be for 6 months and not 9.

Close Hearing

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be closed at 9:55 p.m. The vote was 4-0 in favor.

ADVISORY COMMITTEE CHANGE

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Budget Advisory Committee and the Finance Advisory Committee be merged to become the Budget & Finance Advisory Committee (BFAC) with Allen Barnett as Chairman.

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

The motion was passed by a 4-0 vote.

NEW BUSINESS

WATCHTOWER

Mayor Stebbins made the following statement:

The Watchtower Bible and Tract Society of New York (Jehovah’s Witnesses) have requested access into the Village so as to conduct a door to door outreach concerning their ministry. This matter has been carefully considered by the Board with advice from counsel as to Watchtower’s legal rights. As a result the Village’s policy decision has been reaffirmed to grant them entrance into the Village to conduct their ministry as they have requested. Any resident that does not wish to be visited by them may advise the Village Office, who in turn will try to so advise any representatives of Jehovah’s Witnesses coming into the Village. These visitors will have to use reasonable hours to conduct their ministry, and are required to respect any no solicitation requests by a resident.

ST. MARY'S REQUEST TO USE WEE WAH BEACH AREA

A motion was made by Mayor Stebbins to approve the request by St. Mary's Church to use the Wee Wah Beach facilities on October 5, 2008 for a service in honor of St. Francis that would include a Blessing of the Animals.

There was no second.

ENGINEERING CONTRACTS – WESTON & SAMPSONSewer System Evaluation System (SSES)

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the lump sum fee of \$29,900 in accordance with the SSES work plan proposal submitted in Weston & Sampson's letter dated July 18, 2008.

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

The motion was passed by a 4-0 vote.

Chlorine Building

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve Option #1, Task #1 for the lump sum price of \$5,910 under Weston & Sampson's proposal for the chlorine building modifications and improvements in a letter dated September 11, 2008. The reason for Task #1 only is so they can wait for information from Task #1 before deciding which option for Task #2.

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

The motion was passed by a 4-0 vote.

Maintenance Building

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the fee proposal totaling \$19,900 by Weston & Sampson for their bid for maintenance building settlement remediation in three (3) tasks in accordance with their letter dated September 11, 2008.

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

The motion was passed by a 4-0 vote.

Wee Wah Dam

Due to a possible conflict with the Tuxedo Lake Dam issues, this contract proposal discussion/decision will be postponed to the possible special meeting that will be held at the end of the month.

SPECIAL MEETING

Dates were discussed for holding a special meeting on the proposed local laws, focusing on September 30th. The Trustees and Attorney Golden will check their availability.

ENTER EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board enter into Executive Session at 10:55 p.m. to discuss the DEC enforcement action, the threatened litigation with Watchtower, and the Traffic Guards contract. The vote was 4-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board re-enter regular session at 1:25 a.m. The vote was 4-0 in favor.

AUDIT OF CLAIMS – Bills in the amount of \$290,787.87 for the General Fund, claim numbers 9-1 to 9-90 and \$145,384.44 for the Water Fund, claim numbers W9-1 to W9-19 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the meeting be adjourned at 1:55 a.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer