

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
NOVEMBER 10, 2009  
7:30 P.M.**

Present: Mayor Houston Stebbins  
Deputy Mayor James Hays  
Trustee Christopher Hansen  
Trustee Gerard Pompan  
Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: Chief Sanford, DPW Superintendent Jeff Voss, John Ledwith, Richard Messer (Weston & Sampson), Peter Regna, Michele & Jake Lindsay, David duPont, Josh Bewlay, Dena Steele

Mayor Stebbins called the meeting to order at 7:30 p.m. and announced the Board would enter an attorney-client session for about an hour.

### **OPEN REGULAR SESSION**

Mayor Stebbins opened the regular session at 8:57 p.m. and led the Pledge of Allegiance.

### **REPORTS**

#### Mayor Stebbins

He reported on the financial status of the Village. Village expenditures are running below plan. As of November 10<sup>th</sup>, we are 163 days into the fiscal year (44.65%) and only 40% of the budget has been spent. However, revenue shortfalls from lower mortgage and sales taxes and higher than budgeted expenses for the employees' retirement pension and litigation project a \$250K deficit for fiscal 2010. The Village needs to economize and spend wisely. Residents are asked that they not blow leaves into Village streets or onto Village property or dispose of them in the Racetrack.

A letter received from the Middletown Lions Club praising Village resident Samantha Furstein for her efforts on behalf of their *Lions Library for Tots* program was read.

#### Deputy Mayor Hays

A public hearing on the Tuxedo Reserve Amendment was held on October 26 by the Town and over 150 people attended. Many spoke and many concerns were raised. The hearing will be continued on November 23<sup>rd</sup> at the Town Hall and residents are encouraged to attend. Town elections were held last week and Village turnout was low.

The Environmental Committee met and had a number of issues they are concerned about. The Princeton Hydro report has been received. The Environmental Committee is also discussing ways to manage the geese population by using Border Collies in a joint effort between the Village and the Tuxedo Club. A grant application is being sent to New York State and the DEC to provide financial assistance for storm water control.

Police - Chief Sanford gave a synopsis of the Police activities in October.

DPW – Superintendent Voss obtained a cost estimate of paving 140’ of Brook Road in response to the Daniel Laukitis request from last month. Cost is \$7,500 for materials only. The final report from New Tech for the leak detection program was received. The largest leak was found on Route 17 and is being repaired tomorrow (11/11/09). Other minor leaks were found and some have already been repaired.

Water Department – John Ledwith reported on: unpaid water bills totaling \$93,000 of which \$38,000 is for the Village and \$55,000 for the Town; processed water loss has been reduced to 39% of production; Village water service is scheduled to be turned off at the Michael Birish (East Village) residence on November 20<sup>th</sup> for lack of any payments. A discussion was held on other outstanding water accounts, payment plans and water turnoff procedures.

VIAC – Michele Lindsay reported on the following: street light survey (36 lights out of 62 are working); Eric Honor to be the liaison to the Wee Wah Beach Club; a dumpster is needed to remove the dilapidated garage next to the police station; the Garden Club will donate trees to plant after the garage is removed; Tuxedo Road guiderail; DPW building; and other small projects. A discussion was held.

Infrastructure – Jake Lindsay reported the Chlorine Building is ready to go out to bid. A list of infrastructure projects will be circulated to the Trustees.

## **BUILDING PERMITS**

### Tuxedo Club

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of the Tuxedo Club, West Lake Road, Tax Map No. 107-1-3, for a welded frame stairway canopy to the secondary entrance of the Tennis Building as approved by the BAR be approved.

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

The motion was passed by a 5-0 vote.

Nathaniel Jackson

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Nathaniel Jackson, Clubhouse Road, Tax Map No. 107-1-44.1, for installation of a 4' high garden planting area fence as approved by the BAR be approved.

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

The motion was passed by a 5-0 vote.

Riordan

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the performance bond in the amount of \$10,000 posted by Thomas Riordan in regard to his house located on Cliff Road, Tax Map No. 106-1-75.2, for the removal of the house from the site, the termination of utilities, rough grading, seeding and haying be returned to Mr. Riordan as all items have been completed.

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

The motion was passed by a 5-0 vote.

Various Completed Projects – John Ledwith reported that other completed projects include: repair of electrical wiring at the Main Gate entrance, removal of a short piece of pipe sticking out of the ground near the Main Gate entrance, and replacement of two fuel oil tanks at the Water Treatment Plant with double lined tanks (one for the low lift pump, the other for the rental apartment).

**PUBLIC COMMENTS**

Speakers: Peter Regna

Comments: House siting sequence authority by the Planning Board seems out of sync. PB and BAR should review simultaneously.

**NEW BUSINESS**

**COMPLAINT** – After written complaint by a resident who was billed for breaking the traffic arm and a light fixture while driving through the South Gate, the board agreed to reduce the lighting bill portion by 1/3, reducing the total bill from \$635.00 to \$506.67.

**SEWER JET MACHINE** – Supervisor Dolan will be asked to have the Town Attorney draft a joint ownership and operation agreement between the Town and Village regarding the joint purchase of the sewer jet machine and have it address such items as scheduling, storage, odometer readings, fuel consumption, etc.

**CLARIFIER COVER** – A discussion was held regarding the purchase of a new cover for the clarifiers at the sewer plant (similar in style to a swimming pool cover). The free-standing unit previously purchased in January 2009 will be used for storage of DPW equipment, eliminating the need to rent the Benjamin Meadow Road warehouse space.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that, upon the recommendation of the Village Engineer, the Village purchase a new cover for the sewer plant clarifiers at a cost not to exceed \$11,000.

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

The motion was passed by a 5-0 vote.

**ENVIRONMENTAL CONSULTANTS CONTRACT** – A discussion was held on the cost of the contract and reducing the number of consulting hours.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that subject to satisfactory reports from Superintendent Jeff Voss, the current consulting contract be converted to an 'on demand' contract for a period of six months.

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

The motion was passed by a 5-0 vote.

**WEE WAH BEACH CLUB LICENSE RENEWAL** – A discussion was held on the proposed changes to the agreement.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the basic terms of a three-year license agreement with the Wee Wah Beach Club as stated in the draft documents and that other provisions of less importance may be modified as deemed appropriate by the Mayor and the Village Attorney.

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

The motion was passed by a 5-0 vote.

**LOCAL LAW INTRODUCTORY #8 of 2009 – PUNITIVE DAMAGE INDEMNITIES**  
– A brief discussion was held regarding the proposed law as distributed to the Trustees.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that a public hearing be set for December 9, 2009 at 7:30 p.m. on Local Law Introductory #8 of 2009, Rescinding and Replacing Article II of Chapter 15 (“Defense and Indemnification”) of the Code of the Village of Tuxedo Park, with a New Law Providing for the Defense and Indemnification of Village Officers and Employees While Acting within the Scope of Their Employment.

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

The motion was passed by a 5-0 vote.

**DISCUSSION - PROPOSED LOCAL LAW ON BAN OF PHOSPHATE LAWN FERTILIZERS** – A brief discussion was held. Tabled to next month.

**CHLORINE BUILDING - WESTON & SAMPSON ENGINEERS** – A discussion was held regarding the Chlorine Building and bid.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the contract proposal of Weston & Sampson dated November 9, 2009 for front-end costs of developing bid specifications and conducting the bidding process for a total of \$9,900 and the back end costs for construction oversight of \$7,600 to \$9,800.

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

The motion was passed by a 5-0 vote.

### **O'BRIEN & GERE – ADDITIONAL ENGINEERING**

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that O'Brien & Gere's proposal dated October 20, 2009 for Tuxedo Lake Dam Additional Engineering Evaluations in the amount of \$16,500 (\$8,250 for the Village and \$8,250 for The Tuxedo Club) be approved.

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

The motion was passed by a 5-0 vote.

### **CHLORINE BUILDING BID - ADVERTISE & SET BID OPENING DATE**

A motion was made by Mayor Stebbins seconded by Deputy Mayor Hays that the Village Clerk be authorized to advertise for bids in the Times Herald-Record for improvements to the existing chemical feed systems and various architectural, mechanical, electrical and HVAC components and systems in the existing Chlorine Building at the Sewer Plant with a bid opening date of December 10, 2009 at 11:00 a.m. in the Village Office.

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

The motion was passed by a 5-0 vote.

**WATER DISTRIBUTION ISSUES** – A discussion was held regarding a letter dated August 5, 2009 received from the O.C. Health Department reminding the Village that it must adopt regulations for installation of backflow preventers where necessary. Superintendent Voss and Weston & Sampson will do more research.

### **RELEVY UNPAID VILLAGE TAXES**

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Village Clerk be authorized to send to the County of Orange Commissioner of Finance the attached list of unpaid 2009-2010 Village taxes in the amount of \$129,422.79 for re-levy onto the January 2010 Town/County Tax Bill. (A copy is attached.)

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

The motion was passed by a 5-0 vote.

**WEE WAH BRIDGE POTHOLE** – A discussion was held regarding repair of the bridge pothole. The matter was tabled.

**AUDIT OF CLAIMS** - Bills in the amount of \$261,888.75 for the General Fund, claim numbers 11-1 to 11-102 and \$19,047.35 for the Water Fund, claim numbers W11-1 to W11-7 were audited and ordered paid.

**ADJOURN TO ATTORNEY-CLIENT SESSION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board hold an Attorney-Client meeting at 11:37 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer