

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
DECEMBER 9, 2009
7:30 P.M.**

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

Clerk: Deborah A. Matthews

Also: Chief Ken Sanford, DPW Superintendent Jeff Voss, John Ledwith, Michele Lindsay, Meg Vaught, Dena Steele, Anthony Mason, Richard Golden, Esq.

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

REPORTS

Mayor Stebbins

The 2009-2010 budget will likely produce a \$300K deficit consisting of \$150K in excess legal expenses, \$100K from adverse budget variances, and the need for a \$50K DPW truck. The Board will be searching for cost savings and possible headcount reductions.

The Village is currently in the process of filing two new EFC applications under NYS's AAA guaranteed short term financing program which was recently quoted at about 1% p.a. cost and structured like a traditional construction loan.

The cash balance in the General Fund is running \$230K higher than a year ago due in part to the collection of accounts receivables.

The Board hired the NYC firm of Kirkland & Ellis as additional defense counsel to defend the lawsuit regarding the Village gates. They succeeded in eliminating all claims against the Trustees and the Building Inspector as individuals and eliminated other State and Federal claims. They will now defend against the remaining Federal Constitutional Claims against the Village by a Motion to Dismiss that will be filed in January.

We expect to shortly receive \$15K of grant money from Orange County Planning that was awarded to the Town and Village for a Lake Management Study.

Deputy Mayor Hays

Reported the Town and Village residents filled the Town Hall on November 23rd for the public hearing on the Tuxedo Reserve development.

The Town will hold a workshop on the 'Smart Code' on January 11, 2010. The developer will be flying in an expert to make the presentation and answer questions. All residents are encouraged to attend.

A new organization called 'The Tuxedo Land Trust', headed by Village resident Tom Wilson, has been formed in opposition to the development.

Trustee Pompan

As Budget Officer, Trustee Pompan requested that all Trustee liaisons meet with their respective department heads within the next couple of weeks to review their budgets and expenses through the end of the fiscal year (May 31, 2010). In particular he is aiming at unexpected expenses and expenses that can be deferred, allowing the Village to be ahead in looking at next year's budget and giving the Board time to review and discuss any issues. He would like to discuss these items at the next board meeting in January. He hopes to have much of the budget work done by mid to late February.

Police - Chief Sanford gave a synopsis of the Police Activities in November.

Trustee Pompan again raised the issue of speeding in the Village and feels issuing tickets would be the most effective manner of controlling the problem. Chief Sanford agreed and stated that he would work on stepping up the effort to ticket speeders.

DPW – Superintendent Jeff Voss reported that one of the large Village dump trucks has a cracked frame and is unsafe to drive. He is trying to get General Motors Headquarters to either replace the frame or offer a good deal on a new truck.

Water Department – John Ledwith gave a report on Water Department activities which included: 1) Birish water termination (Hamlet customer), 2) Updated processed water analysis, 3) Water leak status report, and 4) Electricity rate analysis.

Advisory Committees:

VIAC – Michele Lindsay reported on the projects of the Committee and issues requiring attention, i.e. street lights, replacement bulbs, brush and trees along Village roadways, dead trees, directional signs, vehicle tags, traffic going up One-Way road (East Lake Stable Road).

BUILDING PERMITS

Laukitis

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the building permit application of Lisa & Dan Laukitis, 16 Brook Road, Tax Map No. 103-1-12, for a ground floor addition with a concrete foundation as approved by the BAR be approved.

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.

Cliffside Partners

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of Cliffside Partners (McCann), 112 Turtle Point Road, Tax Map No. 103-1-7.2, for a new building permit for his ongoing project as approved by the BAR be approved.

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

The motion was passed by a 5-0 vote.

PUBLIC COMMENTS

Speakers: Anthony Mason

Comments: The Race Track is a mess, why can't it have a simple walking path, where did the bench come from.

NEW BUSINESS**RESOLUTION - REPAIR OPTIONS – WEE WAH BRIDGE**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board authorize expenditures up to \$4,700 for the temporary repair of the Wee Wah Bridge as outlined in the proposal of ECR, Highlands, NJ, as submitted by the Infrastructure Committee and subject to approval by the Village Engineer.

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.

RESOLUTION - AUTHORIZE ADVERTISING FOR BID – NEW DPW TRUCK

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that, if necessary, the Village Clerk be authorized to advertise for bid in the Times Herald-Record for a new 4WD diesel dump truck with plow with a bid opening date of January 12, 2009 at 2:00 p.m.

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.

CHLORINE BUILDING BID DATE CHANGE – Mayor Stebbins noted that the bid opening date for the Chlorine Building was changed from December 10th to December 17th by the Village Engineer due to timing issues.

PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 8 OF 2009
(DEFENSE AND INDEMNIFICATION OF VILLAGE OFFICERS AND EMPLOYEES WHILE ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT)

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the public hearing on Local Law Introductory No. 8 of 2009 be opened at 9:00 p.m.

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.

Village Attorney Rick Golden explained the purpose and content of the proposed law.

There were no comments from the public.

Comments from the Trustees will be incorporated into the draft and a new red-lined draft circulated to the Board.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the public hearing be adjourned to the next Board of Trustees regular monthly meeting on January 13, 2010 at 7:30 p.m.

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.

PROPOSAL FOR DESIGNATING THE 'RACE TRACK' AS PARKLAND -

A discussion was held.

PROPOSED NEW LOCAL LAW – TREE PRESERVATION – A discussion was held.

AUDIT OF CLAIMS - Bills in the amount of \$368,311.62 for the General Fund, claim numbers 12-1 to 12-106 and \$23,423.74 for the Water Fund, claim numbers W12-1 to W12-15 were audited and ordered paid.

ADJOURNMENT TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board adjourn to Executive Session at 11:09 p.m. to discuss litigation, water billing settlement of specific accounts, and specific Village employee matters. The vote was 5-0 in favor.

REOPEN REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board re-open regular session at 12:30 a.m. The vote was 5-0 in favor.

RESOLUTION – FERTILIZER BAN

A motion was made by Deputy Mayor Hays, seconded by Mayor Stebbins that in accordance with the Village Code Section 65-8 regarding a Ban on Designated Chemicals to protect the lakes from damage, the Village publish a list of chemicals that may not be used in the Village of Tuxedo Park and include on that list all phosphate lawn fertilizers.

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

The motion was passed by a 5 to 0 vote.

RESOLUTION – EXEMPTION FROM COUNTY TAXES-WATER FACILITY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Village of Tuxedo Park request from the County of Orange the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Section 13-3-12 for the year 2011.

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.

RESOLUTION – APPOINT FIRE COMMISSIONER

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Charles Jones be appointed as Fire Commissioner in the Tuxedo Joint Fire District based on the recommendation of the Tuxedo Joint Fire District for the term January 1, 2010-December 31, 2014.

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.

**RESOLUTION – INCREASE CAPITAL EXPENDITURE AMOUNT
WASTEWATER TREATMENT PLANT FACILITIES**

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board authorize an increase in the amount of the capital expenditures for the wastewater treatment plant facilities upgrade (the sum of the costs for the sewer maintenance building repairs and the chlorine shed refurbishment) to \$135,000.

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.

**RESOLUTION - INCREASE CAPITAL EXPENDITURE AMOUNT OF TUXEDO
LAKE DAM WATER LINE**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board authorize an increase in the amount of the capital expenditures to \$615,000 for constructing a new water main along West Lake Rd. to replace the water line in the Tuxedo Lake Dam embankment that will be filled, capped and abandoned.

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.

RESOLUTION – APPOINT VILLAGE SEWER INSPECTOR

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that given the operational requirements of the Village's Sewer System Evaluation Survey Work Plan recently submitted to NYSDEC for addressing Infiltration and Inflow, that John Ledwith be named as Village Sewer Inspector through May 31, 2010.

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

The motion was passed by a 5-0 vote.

RESOLUTION – APPOINT MINORITY BUSINESS OFFICER

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board appoint Debbie Matthews as Village Minority Business Officer and direct her to work with the Village Engineer, Weston & Sampson, who is serving as our Project Manager will be primarily responsible for meeting the Federal and State requirements of the Minority & Women's Business Enterprise – Equal Employment Opportunity Program.

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.

MINUTES

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the October 14, 2009 Board of Trustees meeting be approved as amended.

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.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the November 10, 2009 Board of Trustees meeting be approved as amended.

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

The motion was passed by a 5-0 vote.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 1:25 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Clerk-Treasurer

These minutes were approved by the BOT on 4/16/10.