

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MAY 13, 2009
7:30 P.M.**

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

Clerk: Deborah A. Matthews

Also: Jeff Voss, John Ledwith, Richard Witte, Meg Vaught, Susan Boyle & Mr. Boyle,
Gary Pompan, Mary Graetzer, Joann Hanson, Mary Grimmig, Kathy Biehl, Kelly
Naughton, Esq., Richrd Messer, Alan Heywood, Nancy Hays, Brian Nugent, Esq.,
Peter Regna, Chiu-yin Hempel, Robert Simon, Paola Tocci, Stephen Tilly
Architect, Barry Rice, Architect

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

REPORTS

MAYOR

Mayor Stebbins welcomed the three Trustee candidates (to fill two open Trustee seats) for the upcoming June 16th Village Election – Incumbents Chris Hansen and Tinka Shaw and new candidate Gerard Pompan. Mayor Stebbins is also running unopposed for Mayor.

Bulk trash pickup is Saturday, May 30th. All items curbside by 7:00 a.m.

Village Voter Registration Day is Saturday, June 6th from 12:00 noon to 5:00 p.m. in the Village Hall and the Village Election is Tuesday, June 16th from 12:00 noon to 9:00 p.m.

The Village is applying for a \$5,000 grant for future water needs and upgrading the dams.

There have been multiple bear sightings in the Park. The bear are looking for food from garbage cans left out at night and bird feeders left out as well. If a bear is sighted, you should keep your children and pets inside and your doors closed.

DEPUTY MAYOR

Deputy Mayor Hays gave a list of some invasive species plants found in the Village.

Met with Supervisor Dolan to discuss the Town planning board's recommendation on the supplemental partial review of the amendment to Tuxedo Reserve.

Encourages Village residents to run as councilperson on the Town Board. Suggested and endorsed David duPont as a candidate.

Asks that the Village engineer be authorized to look at the part of Tuxedo Reserve that lies in the watershed of the Village.

All Trustees are invited to march in the Town's Memorial Day Parade.

POLICE – Chief Sanford was not in attendance.

DPW - Jeff Voss reported: resurfacing of Tuxedo Road next week, the need for a new street sweeper, and the need to extend the lease on the rental space for DPW equipment. He asked that two former, unused police vehicles that have been stored at the DPW be declared surplus.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board declare the Village's 1994 Jeep (VIN #1J4FJ6856RL230762) and 2000 Ford Explorer (VIN#1FMZU72X5YUB16776) as surplus and that the vehicles be sold for fair and adequate consideration as per Village Law §102.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the lease on the rental unit located on Benjamin Meadow Road be extended to the end of the calendar year (to December 31, 2009).

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.

INFRASTRUCTURE – Rich Messer (W&S Engineers) reported on the progress of the repair to the sewer plant building, the proposed repairs to the chlorine building, the water line relocation near Tuxedo Lake dam, the West Lake Road water line and replacement of two water supply lines for the East Village. W&S submitted four applications for low interest funding to NYSEFC on behalf of the Village for each of these projects.

BUILDING PERMITS

Dangoor

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of David Dangoor, 29 Serpentine Road, Tax Map No. 107-1-96, for construction of a pergola over the terrace/deck as approved by the BZA and the BAR be approved.

Vote of the Board: Trustee Worthy – aye
Trustee Hansen – aye

Deputy Mayor Hays – aye
Trustee Shaw – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

McLain

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Caroline McLain, 15 Ridge Road, Tax Map No. 106-1-53, for exterior changes, lighting, handrails, exhaust fan and air conditioning compressor as approved by the BAR .

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

The motion was passed by a 5-0 vote.

Witte

In a letter to the Board of Trustees, Richard Witte has requested use of the existing sewer line, as recommended by the Planning Board which serviced the former house built on his property in 1886 on Tower Hill Road, in order for him to access Village sewer for the proposed construction of a new house. The carriage house (current rental house) on the Salm property was connected to the sewer line after the original house was built.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays to grant Mr. Witte relief from Section 78-10 of the Village Code, and that Mr. Witte comply with all requirements for upgrading the sewer line including installation of necessary manholes.

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.

Shaw

Trustee Shaw, upon submittal of her building permit application, asked for approval from the Trustees to remove two additional trees beyond the allowed four trees on her property that is located on Tower Hill Road, Tax Map No. 106-1-15.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the proposed building permit for Scott and Anna (Tinka) Shaw for the removal of two invasive species trees in addition to the four allotted trees, subject to BAR approval.

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

The motion was passed by a vote of 4-0.

PUBLIC COMMENTS

Speakers: Mary Graetzer and Alan Heywood

Comments: Why is it taking so long for the Village to pass the Flood Insurance law since the Town of Tuxedo passed it in one meeting? When are the signs going up for One-Way near Fox Hill Road? Is the DPW going to mow a path around the racetrack for walking?

LOCAL LAW INTRODUCTORY #5 OF 2009 - PROPOSED CHANGES TO ZONING CODE RELATING TO NON-CONFORMING USES, NON-COMPLYING STRUCTURES, AND SUBSTANDARD LOTS

PUBLIC HEARING – CONTINUATION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be opened at 8:59 p.m. The vote was 5-0 in favor.

There were no comments from the public.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the public hearing be closed at 9:00 p.m. The vote was 5-0 in favor.

Discussion - was held on the four versions of Local Law Introductory #5 of 2009 that the Board is considering. The agreed upon version will be presented at the next regular Board of Trustees meeting.

EAF Review

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Trustees declares itself lead agency for Local Law Introductory #5 of 2009.

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.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory #5 of 2009 is a Type I action under SEQRA.

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 Deputy Mayor Hays that the Board of Trustees has determined that Local Law Introductory #5 of 2009 will have no adverse environmental impact and the Board issues a Negative Declaration.

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.

**LOCAL LAW INTRODUCTORY #7 OF 2009 – RIDGELINE AND PRECIPICE
OVERLAY DISTRICT AND REGULATIONS, RESCINDING CODE SECTION 100-
13(A)**

PUBLIC HEARING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be opened at 10:04 p.m. The vote was 5-0 in favor.

Speakers: JoAnn Hanson, Peter Regna

Comments: Favorable comments for the law

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the public hearing be adjourned to the June 10, 2009 Board of Trustees meeting at 7:30 p.m. The vote was 5-0 in favor.

EAF Review

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board of Trustees declares itself lead agency for Local Law Introductory #7 of 2009.

Vote of the Board: Trustee Worthy – aye
Trustee Shaw – aye

Trustee Hansen – aye
Mayor Stebbins – aye
Deputy Mayor Hays – aye

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory #7 of 2009 is a Type I action under SEQRA.

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 Deputy Mayor Hays that the Board of Trustees has determined that Local Law Introductory #7 of 2009 will have no adverse environmental impact and the Board issues a Negative Declaration.

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.

Review: The EAF form was reviewed page by page. Response from Orange County Planning on the 239 form is forthcoming.

LOCAL LAW INTRODUCTORY #6 OF 2009 – FLOOD DAMAGE PREVENTION IN COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM

PUBLIC HEARING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be opened at 11:59 p.m. The vote was 5-0 in favor.

There were no comments from the public.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be closed at 12:00 a.m. The vote was 5-0 in favor.

EAF Review

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board of Trustees declares itself lead agency for Local Law Introductory #6 of 2009.

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 Deputy Mayor Hays that Local Law Introductory #6 of 2009 is a Type I action under SEQRA.

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.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Trustees has determined that Local Law Introductory #6 of 2009 will have no adverse environmental impact and the Board issues a Negative Declaration.

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

The motion was passed by a vote of 5-0.

CONSULTING ARCHITECTS FOR DESIGN GUIDELINES AND BAR

Trustee Worthy and BAR Chairwoman Paola Tocci explained the need for hiring a consulting architect to for the BAR and an architect to assist with the Design Guidelines. After interviewing several candidates, they determined that the best candidates were: Architect Stephen Tilly, to assist with the Design Guidelines and Architect Barry Rice to consult to the BAR. Each candidate was introduced to the Board and gave a brief synopsis of his architectural background. The Trustees asked each of them to submit his proposal to the Board for consideration.

VILLAGE VOTER REGISTRATION DAY

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Village Voter Registration Day be held on Saturday, June 6, 2009 from 12:00 noon to 5:00 p.m. in Village Hall and that the Village Election will be held on Tuesday, June 16, 2009 from 12:00 noon to 9:00 p.m. in the Village Hall.

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.

LEVY UNPAID VILLAGE WATER BILLS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that in effectuating a levy onto their 2009-2010 Village tax bill the unpaid water accounts of Village residents must be greater than or equal to \$10, but not to exceed a total of \$47,912.35.

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

The motion was passed by a 5-0 vote.

BUDGET TRANSFERS

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the budget transfers for fiscal year 2008-2009 as shown on the attached amended list.

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.

RESIDENT COMPLAINTS: DOGS AND SPEEDING

A discussion was held regarding resident complaints about unleashed, intimidating dogs and the need for their owner to clean up after them. Mayor Stebbins will advise all residents of the problems in his next newsletter.

Complaints have also been received regarding speeding vehicles in the Village. A speeding survey by the Police Department was discussed. It was resolved to proceed with it immediately.

AUDIT OF CLAIMS - Bills in the amount of \$157,106.01 for the General Fund, claim numbers 5-1 to 5-108, and \$19,367.32 for the Water Fund, claim numbers W5-1 to W5-16 were audited and ordered paid.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board adjourn to Executive Session at 1:10 a.m. to discuss litigation, Village employee matters and to hold an attorney client session. The vote was 5-0 in favor.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 2:10 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer

These minutes were approved by the BOT on 6/24/09.