

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

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

Absent: Trustee Christopher Hansen

Clerk: Deborah A. Matthews

Also: John Ledwith, Jeff Voss, Chief Sanford, Richard Golden, Esq., Meg Vaught, Lucy Edwards, Mary Graetzer, Mary Grimmig, Dena Steele and guest, Peter Regna, JoAnn Hanson, Chiu-yin & Gardiner Hempel

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

## **REPORTS**

### Mayor Stebbins

Regarding the upcoming Village election, Trustee Shaw has decided to withdraw her name from the race for personal reasons. On behalf of the Village, he thanked her for her time and hard work, specifically with the Village lakes and the Water Department.

The Police Department conducted a survey of vehicles traveling in the Village and found that 5% were going greater than 39mph.

Positions are available on the various Village boards and they will be reviewing candidates in order to make recommendations to the Trustees. Anyone interested in serving on the PB, BAR or BZA should submit a resume to the Chair of the Board and the Village Office with sufficient time for Board review and Trustee decision in the Reorganization Meeting.

Residents are reminded to keep their contact information up to date with the Village Police and to notify the Village Office of any address change.

For the fiscal year ended May 31, 2009, there is a preliminary net income of \$112,000 net income, meaning we won't use all of the \$175,000 allocated to revenues from appropriated surplus.

The Village's comprehensive general liability insurance was bid out and the Village will be saving about \$8,000 by switching from Selective Insurance to Argonaut Insurance.

The Village challenged street light charges and as a result has received a \$7,000 credit with monthly charges cut in half.

Mayor Stebbins thanked the Trustees for their hard work over the past year especially on issues of the budget, debt management, infrastructure, and litigation matters.

Trustee Shaw

Expressed her gratitude to everyone on the Board as well as those behind the scenes for helping to make her service as a Trustee a rewarding experience.

Deputy Mayor Hays

Reported the Town of Tuxedo is continuing to review Tuxedo Reserve's application for a 3<sup>rd</sup> Amendment to the Special Permit. He stressed the importance of Village residents continuing to attend these meetings.

Public comments can be submitted to the Town of Tuxedo on the SEIS in the coming weeks although it's uncertain whether a Scoping Session will take place.

DPW Superintendent Jeff Voss and Deputy Mayor Hays have been researching a possible new method of road resurfacing known as Road Rehab. The Board will be updated as new information is gathered.

Police – Chief Sanford gave a synopsis of May activities. Part time traffic guard Ogden resigned and the Board was given a candidate resume for his replacement.

DPW – No major activity to report. However, a discussion was held on the need for a sewer jet cleaner.

Water Department – John Ledwith reported that reports will be given quarterly to the Board and will include water produced, water billed, and outstanding unpaid amounts. A report for all of 2008-2009 will be given at the July meeting.

Environmental Committee – Trustee Shaw reported the CSLAP program will be starting soon and is being coordinated by Susan Goodfellow. Volunteers are asked to contact Susan if interested in helping.

**BUILDING PERMITS**Farhadian

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the building permit application of Nassar Farhadian, Brook Farm Road, Tax Map No. 103-1-13.24, for the removal of a sloped roof sunroom to be replaced with a flat roof balcony, approved in May by the BAR, be approved by the BOT.

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

The motion was passed by a 4-0 vote.

**PUBLIC COMMENTS**

Speakers: Lucy Edwards, Meg Vaught, Mary Graetzer

Comments: Owners should take responsibility regarding their pets; excessive, redundant and circulatory discussion on all local laws; meetings are too long; new business should precede old business on agendas; encourage written comments to the Town on Tuxedo Reserve; enforce laws for speeding trucks, contractors, landscapers, FedEx, UPS, and school buses.

## **NEW BUSINESS**

### **FUNDING OF WEE WAH BEACH CLUB/VIAC CAPITAL EXPENDITURES TOWN OF TUXEDO RECREATION DEPARTMENT'S REQUEST**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve expenditures up to \$5,000 for capital improvements to the Wee Wah Beach area and facility which is consistent with the Wee Wah Beach Club's payment of their annual lease fee to the Village.

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

The motion was passed by a 4-0 vote.

### **TOWN OF TUXEDO RECREATION DEPARTMENT REQUEST**

A letter of request was received from the Town of Tuxedo Recreation Department for the use of the Wee Wah Beach Facility for their summer program. Also received was their insurance certificate - \$5M umbrella coverage and general liability aggregate of \$3M with \$1M for each occurrence. The program will run from July 1 through August 12, with morning and mid-afternoon bus traffic for pickup and drop off of program children. Provision for this use is listed in the Wee Wah Beach Club Lease Agreement.

The Board approved the request as outlined in the Recreation Department's letter dated March 5, 2009, and as provided for in the Wee Wah Beach Club Lease Agreement

### **TUXEDO CLUB JULY 4<sup>TH</sup> FIREWORKS REQUEST**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the Tuxedo Club's June 3<sup>rd</sup> request to hold their fireworks display on Sunday, July 5<sup>th</sup>, rain date of Monday, July 6<sup>th</sup>, subject to the Village's receipt of a certificate of insurance naming the Village as additional insured and that the fireworks be launched from the dam embankment and not the boathouse.

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

The motion was passed by a 4-0 vote.

### **RESCHEDULE REORGANIZATION MEETING**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Reorganization Meeting be changed from Wednesday, July 15<sup>th</sup> to Wednesday, July 8<sup>th</sup> at 7:00 p.m. in the Village Hall.

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

The motion was passed by a 4-0 vote.

### **OLD BUSINESS**

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

Attorney Golden noted: The SEQRA review was completed on Local Law Introductory #5 of 2009 and a Negative Declaration made on 5/13/09, the 239 form referral was sent to O.C. Planning and their report back indicated it's a local determination by majority vote, the public hearing was closed on 5/13/09 and this version of the law was on the desk of the Trustees for more than the requisite seven days.

#### **ADOPT LOCAL LAW INTRODUCTORY #5 OF 2009**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Local Law Introductory #5 of 2009 – Proposed Changes to Zoning Code Relating to Non-Conforming Uses, Non-Complying Structures, and Substandard Lots of the Code of the Village of Tuxedo Park be adopted.

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

The motion was passed by a 4-0 vote.

**JOIN NATIONAL FLOOD INSURANCE PROGRAM**

Attorney Golden noted: The SEQRA review was completed and a Negative Declaration made on 5/13/09, the 239 form referral was sent to O.C. Planning and their response was received on 5/20/09 saying it's a local determination for approval by majority vote.

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board approve the Resolution To Apply To Participate in the National Flood Insurance Program as detailed in the attached resolution.

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

The motion was passed by a 4-0 vote.

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

Attorney Golden noted: The SEQRA review was completed on Local Law Introductory #6 of 2009 and a Negative Declaration made on 5/13/09, the 239 form referral was sent to O.C. Planning and their report back indicated it's a local determination by majority vote, the public hearing was closed on 5/13/09 and this version of the law was on the desk of the Trustees for more than the requisite seven days.

**ADOPT LOCAL LAW INTRODUCTORY #6 OF 2009**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that Local Law Introductory #6 of 2009-Flood Damage Prevention in Compliance with the Requirements of the National Flood Insurance Program be adopted.

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

The motion was passed by a 4-0 vote.

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

PUBLIC HEARING – CONTINUATION

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

Speaker: Chiu-yin Hempel

Comments: Observation on page 4 (B) item 4

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be closed at 9:22 p.m. The vote was 4-0 in favor.

DISCUSSION

A discussion was held on clarification of the language in the proposed law as it relates to the Zoning Map. The Board agreed to the following as prepared by Attorney Golden:

§100-4. Zoning Map.

The boundaries of the Village and the zoning districts are defined as shown on a map entitled “Official Zoning Map of the Village of Tuxedo Park,” which map is made a part of this chapter with the same force and effect as if the matters and things shown on said map were all fully described herein. The Board of Trustees may by Resolution amend said map to define the boundaries of all zoning districts in conformance with this chapter and may also require by Resolution that mapping of the above-noted overlay districts be further defined on a property specific basis for clarity of determining whether individual properties are within or without such overlay districts in whole or in part. The limits of such mapping of individual properties shall be conclusive for the delineation of the boundaries of overlay district areas.

ADOPT LOCAL LAW INTRODUCTORY #7 OF 2009

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Local Law Introductory #7 of 2009 – Ridgeline and Precipice Overlay District and Regulations, Rescinding Code Section 100-13(a), of the Village Code be adopted.

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

The motion was passed by a 3-1 vote.

**TUXEDO PARK SCHOOL** – Trustee Shaw initiated a brief discussion regarding proposed activities for next year’s Earth Day for the Tuxedo Park School students.

**CONSULTING ARCHITECTS FOR DESIGN GUIDELINES AND BAR** – A discussion was held.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve entering into contract with Architect Stephen Tilly for his review and formulation of Design Guidelines for the Village of Tuxedo Park in the amount of \$12,000 plus incidental expenses, and separately for hiring a Consulting Architect for the BAR, Barry Rice, at \$150 per hour plus incidental expenses and travel time, if any is charged, negotiated, agreed, and approved by Attorney Richard Golden, Trustee Charlotte Worthy, and Mayor Stebbins.

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

The motion was passed by a 4-0 vote.

**MINUTES** – Drafts have been provided to the Trustees and a special meeting will be held later in the month to review and approve.

**AUDIT OF CLAIMS** - Bills in the amount of \$162,212.39 for the General Fund, claim numbers 6-1 to 6-80, \$14,471.19 for the Water Fund, claim numbers W6-1 to W6-15 and \$5,557.04 for Capital Projects, claim number C6-1 were audited and ordered paid.

#### **ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board enter an Attorney-Client session at 10:30 p.m. The vote was 4-0 in favor.

#### **RE-OPEN REGULAR SESSION**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the Board re-open regular session at 11:00 p.m. The vote was 4-0 in favor.

#### **VILLAGE APPEAL OF HANSON DECISION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the following resolution regarding an appeal to the Donald Hanson Noise Violation decision be approved:

WHEREAS, a sua sponte decision/order of the Justice Court of the Village of Tuxedo Park was issued on June 4, 2009 against the Village in the matter of *People of the State of New York (Village of Tuxedo Park) v. Donald Hanson*, and

WHEREAS, the Board of Trustees of the Village of Tuxedo Park wishes to appeal that decision/order,

NOW, THEREFORE, BE IT RESOLVED, that the VILLAGE OF TUXEDO PARK hereby authorizes the Village Attorney, Richard B. Golden of Burke, Miele & Golden, LLP, Goshen, New York, to commence an appeal, and proceed at all levels necessary, in connection with the aforementioned matter, and seek any lawful remedies under State and Village law.

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

The motion was passed by a 4-0 vote.

**ADJOURNMENT**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 11:15 p.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer

This page will be attached separately (with signature) in the Minutes Book.

Village of Tuxedo Park Board of Trustees  
Resolution  
TO APPLY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas of the Village of Tuxedo Park are subject to periodic flooding and flood-related erosion, that may cause serious damage to properties within these areas should flooding or flood-related erosion occur; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Village of Tuxedo Park Board of Trustees to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, the Board of Trustees has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the New York State Constitution, Article IX, Section 2, and New York Environmental Conservation Law, Article 36, and New York Village Law;

NOW, THEREFORE, BE IT RESOLVED that this Village of Tuxedo Park Board of Trustees hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force for those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:
  - a. Require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development is proposed within the floodplain.
  - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
  - c. Review and maintain all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  - d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.
2. Vests the Village Engineer with the responsibility, authority, and means to:

- a. Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood or flood-related erosion hazards.
  - b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
  - c. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - d. Submit on the anniversary date of the community's initial eligibility an annual report to the Administer on the progress made during the past year within the community in the development and implementation of floodplain management measures.
  - e. Upon occurrence, notify the Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
  - f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified data reflecting natural or man-made changes to the floodplain.
3. Appoints the Village Clerk to maintain for public inspection and to furnish upon request (for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map) any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed the elevation (in relation to mean sea level) to which the structure was flood-proofed;
  4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Dated: June 10, 2009

Certification of Passage: \_\_\_\_\_  
Deborah A. Matthews, Village Clerk