

**VILLAGE OF TUXEDO PARK
REGULAR BOARD OF TRUSTEES MEETING
JULY 8, 2009
7:30 P.M.**

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

Clerk: Deborah Matthews

Also: John Ledwith, Chief Ken Sanford, DPW Superintendent Jeff Voss, Rick Golden, Esq., Mary Graetzer, Meg Vaught, Jake Lindsay & Michele Lindsay, Peter Regna, Lucy Edwards, Susan Goodfellow, Sue & Alan Heywood, Sheila Pompan, Dena Steel, Uli Pendl and others.

Mayor Stebbins called the meeting to order at 7:51 p.m.

REPORTS

Mayor Stebbins

Welcomed newly elected Trustee Gary Pompan to the Board and congratulated Trustee Hansen on his re-election.

Financial report-the General Fund cash balance is \$206,000 higher than it was this same time last year.

He expressed his appreciation to the Trustees for their many diverse skills, talents and contributions to the Village in this demanding time.

Village DPW and the Tuxedo Fire Department are asking residents to cut back any tree branches and/or bushes that are hanging into the roadways obscuring visibility and causing damage to the large trucks used by both departments.

Deputy Mayor Hays

Also welcomed Trustee Pompan, and congratulated both Trustee Hansen and Mayor Stebbins on their re-elections.

He thanked Mayor Stebbins for his service to the Village, noting the countless hours of work he has done on behalf of the Village.

The Town Board is in the process of drafting a resolution regarding the Supplemental Environmental Impact Statement for the Tuxedo Reserve project. There is still time for residents to write-in and suggest content for this review. Anyone interested in viewing a copy of the draft resolution should contact Deputy Mayor Hays.

POLICE – Chief Sanford gave a synopsis of June activities.

DPW - Superintendent Jeff Voss: reiterated the need to have residents trim trees and branches overhanging roadways; the need for a new equipment trailer to replace the existing 20+ year old

one that is unsafe and rusting (replacement cost about \$10,500 which was budgeted); the need for a replacement dump truck body for the 2001 Chevy Kodiak as the existing one is rusted away (replacement cost \$11,000-12,000 which was budgeted); the need for two new commercial, walk-behind lawnmowers at a cost of \$4,100 for both. Since \$35,000 was budgeted for a new pickup truck w/plow and he was able to order one on State bid for \$29,000, the \$4,100 for two mowers would be covered by the \$6,000 not spent on the truck.

A discussion was held. The Board suggested one mower be purchased and that Jeff check with the Town of Tuxedo to see if sharing a second mower is feasible. If not feasible, the second mower should also be purchased.

WATER DEPARTMENT – John Ledwith distributed a report to the Trustees showing figures for gallons of processed water being about 2X billed water volumes. A discussion was held.

Superintendent Voss asked the Board for permission to hire an expert on leak detection to come in and pinpoint where Village water lines may be leaking.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that Superintendent Voss contact George Walter of Northeast Water Technology, a leak detection company, to: 1) put the Village on his schedule for two weeks in September and 2) submit a written proposal of the work to be done; that Mr. Walter's proposal will then be compared with Weston & Sampson's proposal, and that the final decision to hire Mr. Walter, who has had positive results for the Village in the past, will be a joint decision by Superintendent Voss, Trustee Pompan and Mayor Stebbins, and that the Board authorize a cost of up to \$8,000 for two weeks work in detecting leaks on the Village water lines.

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.

ADVISORY COMMITTEES

Infrastructure – Jake Lindsay: Weston & Sampson has submitted a proposal to do an analysis of the water system to determine where there may be leaks at a cost of \$16,300.

BUILDING PERMITS

Alderisio

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the building permit application of Joseph Alderisio, 25 Mt. Farm Road, Tax Map No. 103-1-37.2, for house renovations and a garage conversion to living space, as approved by the BAR, be approved by the BOT.

Vote of the Board: Trustee Pompan – aye

Trustee Hansen – aye
Mayor Stebbins – aye
Deputy Mayor Stebbins – aye
Trustee Worthy – aye

The motion was passed by a 5-0 vote.

Christensen

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of David Christensen, 9 Ridge Road (former Bernhard house), Tax Map No. 106-1-51, for removing a balcony, replacement of windows, and change in paint color as approved by the BAR be approved by the BOT.

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

The motion was passed by a 5-0 vote.

Beard

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Greg Beard, 214 East Lake Road, Tax Map No. 105-1-20.21, for the construction of a seasonal, floating dock, with materials and design approved by the BAR, be approved by the BOT with the dock location to be anchored on the adjacent vacant lot owned by Greg Beard and known as Tax Map No. 105-1-48 in order to avoid tree clearing and land disturbance on the original site.

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.

Beard

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Greg Beard, 30 Lorillard Road, Tax Map No. 104-1-40, for a first and second story addition and renovation to an existing one story dwelling as approved by the BAR with conditions, specifically a drainage plan, be approved by the BOT.

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.

Dangoor

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit of David Dangoor, 29 Serpentine Road, Tax Map No. 107-1-96, for alterations to the basement entrance as approved by the BAR be approved by the BOT.

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

The motion was passed by a 5-0 vote.

PUBLIC COMMENTS

Speakers: Michele Lindsay

Comments: Can the Village do anything about the post office returning mail to the sender that lacks a street number in the recipient's address?

NEW BUSINESS

ADVERTISE BIDS FOR DPW EQUIPMENT

Equipment Trailer

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Village Clerk be authorized to advertise for bids for the purchase of a DPW equipment trailer and that a bid opening date be set for July 23, 2009 at 2:00 p.m.

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

The motion was passed by a 5-0 vote.

Dump Truck Body

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Village Clerk be authorized to advertise for bids for the purchase of a new dump truck body for a 2001 Chevy Kodiak truck and that a bid opening date be set for July 23, 2009 at 2:01 p.m.

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 5-0 vote.

LOCAL LAW FOR LITTERING AND FISHING IN TUXEDO LAKE

Littering: Attorney Golden noted that the Village does not need a new local law as it currently has a code referencing littering in Village Code §58-2 and §58-15.

Fishing: A discussion was held regarding the need for a local law to address fishing in Tuxedo Lake relative to non-residents, licenses, and security. Trustees Hansen and Pompan agreed to work with Attorney Golden to develop wording for the proposed law.

APPOINT PART TIME TRAFFIC GUARD

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the appointment of Ryan Eirand as a part time Traffic Guard, as was the consensus of the Board at the June 10, 2009 Board of Trustees Meeting, be reaffirmed.

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 5-0 vote.

NYSDEC WATER QUALITY IMPROVEMENT GRANT PROGRAM

Village Engineer Richard Messer, the Environmental Committee, and Deputy Mayor Hays (as the point person), will pursue the above named grant which will focus on storm water issues in the Village. The application due date is October 16, 2009.

OLD BUSINESS

APPROVE NEW VILLAGE OFFICIAL ZONING MAP

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Trustees approve the new official zoning map for the Village of Tuxedo Park bearing a date of June 2009 setting forth the boundaries of the Village and all of the zoning districts including the two overlay zoning districts.

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 5-0 vote.

VILLAGE HEALTH INSURANCE PLAN FOR TRUSTEES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the following resolution regarding health insurance coverage for Village elected officials be approved as presented:

WHEREAS the cost of health insurance has risen substantially over the years since it was first offered to elected officials;

WHEREAS these arrangements have placed an increased financial burden on the Village for its share of the cost of this insurance for elected officials;

WHEREAS it is desirable for the Village to pursue cost saving measures deemed appropriate at this time;

NOW THEREFORE IT IS RESOLVED as follows:

1. The Board of Trustees in the exercise of its discretion does hereby extend to all currently serving or former elected officials (“officials”) of the Village of Tuxedo Park the opportunity to participate in the Village’s health care insurance plan, as it may be modified from time to time by resolution in the sole discretion of the Village, upon the following conditions:
 - a. All officials seeking to join or rejoin (after cancellation of coverage) the Village’s health care insurance plan shall agree in writing to:
 - (i) give notice thereof, indicating individual or family coverage;
 - (ii) commit to pay on a timely basis the full cost of the premium charged to the Village for such coverage and all other costs related thereto; and
 - (iii) hold the Village, including its employees, officials and agents, harmless from and against any and all losses, damages, liabilities, claims or causes of action arising out of or relating to the acts or omissions of the Village.
 - b. The Village shall bear no liability, cost or expense for offering, administering or terminating this health care insurance for officials and shall require 60 days prior written notice of cancellation of coverage by any official;
 - c. The Village may charge a \$20.00 fee for each notice issued by the Village Clerk to any official who shall not pay within 30 days the monthly amount due with respect to his or her health care insurance;
 - d. Village Clerk shall, 15 days after having previously issued two such notices with respect to any past-due amounts owing, immediately notify the Village’s health care insurance provider to discontinue said official’s coverage as a member of the group, provided no payment has been received in the interim that brings the account current;

- e. The participation by officials in the Village's health care insurance plan shall be governed by the terms of coverage of the health care insurance carrier and the rules and regulations heretofore or hereafter promulgated by the Village, including the choice of the health care insurance carrier;
2. This resolution supersedes all prior resolutions regarding Trustee health insurance availability and participation. All Trustees, including all current and former Trustees, participating under the terms of any and all prior resolutions may now only participate under the terms of this Resolution.

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

The motion was passed by a vote of 4 ayes and 1 abstention.

APPROVE MINUTES

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the November 1, 2007 Special Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen, that the minutes of the February 19, 2008 Board of Assessment Review (Grievance Day) meeting be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen, that the minutes of the February 20, 2008 Board of Trustees meeting be approved as amended.

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

Mayor Stebbins – aye
Trustee Pompan – abstain
Deputy Mayor Hays – abstain

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the March 19, 2008 Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the March 25, 2008 Special Board of Trustees minutes be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the April 9, 2008 Special Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the April 16, 2008 Board of Trustees meeting be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the May 8, 2008 Special Board of Trustees meeting be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the May 21, 2008 Board of Trustees meeting be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the May 31, 2008 Special Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the June 23, 2008 Board of Trustees Meeting be approved.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the minutes of the March 18, 2009 Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 3 ayes and 2 abstentions.

ENTER ATTORNEY CLIENT MEETING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board enter an attorney client meeting at 10:50 p.m. The vote was 5-0 in favor.

(Trustee Hansen had to leave at this point in time.)

RE-ENTER REGULAR SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the regular session be reopened at 11:35 p.m. The vote was 4-0 in favor.

DONALD HANSON CONDITIONAL APPROVAL OF BUILDING PERMIT RENEWAL

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the following resolution for the SECOND EXTENDED CONDITIONAL APPROVAL OF BUILDING PERMIT RENEWAL FOR DONALD HANSON, 4 TOWER HILL ROAD (TAX MAP 107-1-24) be approved:

WHEREAS, the Board of Architectural Review approved certain improvements to take place at the residence of Mr. Donald Hanson at 4 Tower Hill Road in accordance with certain plans, specifications, and conditions, and in compliance with the Village of Tuxedo Park Code, and

WHEREAS, the Board of Trustees thereafter, in May 2007, authorized the issuance of a building permit in accordance with the approval by the Board of Architectural Review, and

WHEREAS, Mr. Hanson proceeded to perform improvements in accordance with such authorization, which authorization lapsed in November 2008, and

WHEREAS, Mr. Hanson has requested that the Board of Trustees renew his now lapsed building permit, and

WHEREAS, the Board of Trustees, having duly deliberated upon the issuance of the requested renewal of Mr. Hanson's building permit, on January 29, 2009 resolved to grant a six-month renewal of Mr. Hanson's building permit upon the satisfaction of the following three conditions within 90 days:

1. Mr. Hanson must submit a storm water and soil erosion/sediment control plan that meets with the satisfaction of the Village Engineer, including a revised survey to

- accurately reflect the site topography, and further including a pre- and post-construction analysis and interim construction measures to ensure plan compliance.
2. A certification by a New York State Licensed Professional Engineer must be filed with the Village Building Inspector, certifying that the cement retaining wall, poured in November 2008 on Mr. Hanson's above-noted property, is safe for the purposes intended by the Board of Architectural Review approved plans.
 3. The Village Building Inspector must certify that Mr. Hanson's improvements of his property are in compliance with the Village Code, based upon the Building Inspector's review of the Zoning Table provided by Mr. Hanson and the Village Code, and

WHEREAS, owing to Mr. Hanson's progress in satisfying some but not all of these conditions within the 90-day time frame, the Board of Trustees in April 2009 extended this time frame for three additional months to expire at the end of July 2009, and

WHEREAS, the Board of Trustees, owing to some additional progress by Mr. Hanson in this regard and in order to provide Mr. Hanson yet additional time to satisfy all three conditions in a manner that is intended to benefit the health, safety and welfare of the Village residents,

NOW, THEREFORE, BE IT RESOLVED that, upon the imposition of the following fourth condition, the Village of Tuxedo Park Board of Trustees hereby grants a further extension of the time frame for Mr. Hanson to satisfy fully all three of the above-noted conditions to September 30, 2009:

4. That upon being issued a building permit by the Building Inspector if the above three conditions are satisfied by September 30, 2009, that the storm water management structures and efforts set forth in the approved storm water and soil erosion/sediment control plan must take a priority and be installed at their earliest, practical time frame as directed by the Village Engineer.

AND BE IT FURTHER RESOLVED that if Mr. Hanson does not satisfy conditions "1" through "3" above by September 30, 2009, this conditional renewal of his building permit shall lapse and be null and void.

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

The resolution was passed by a 4-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$141,846.44 for the General Fund, claim numbers 7-1 to 7-101, and \$20,453.42 for the Water Fund, claim numbers W7-1 to W7-15 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 12:30 a.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer