

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

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

Clerk: Deborah Matthews

Also: John Ledwith, Chief Sanford, Jeff Voss, Richard Golden, Esq., Richard Messer (W&S), Tinka Shaw, Meg Vaught, Dena Steele

Mayor Stebbins called the meeting to order at 7:38 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 8:45 p.m. and led the Pledge of Allegiance.

### **REPORTS**

#### Mayor Stebbins

Executive Session before the regular Board of Trustees meetings may become the norm.

There's been an increase in the number of bear sightings in the Village, as bears are attracted to garbage cans and birdfeeders. Garbage cans should be rinsed with ammonia and not be put out until the morning of pickup. Birdfeeders should not be put up until late November. A small, bear-proof dumpster has been placed at the Village Office for use by residents leaving the Village before Monday's garbage pickup.

The Fall Bulk Trash Pickup is scheduled for Saturday, October 17th. All items should be curbside the night before.

Mayor Stebbins thanked the Tuxedo Garden Club for placing a teak bench at the north end of the Race Track.

Progress has been made with the DEC regarding the Tuxedo Lake Dam, now classified as a medium hazard dam. Negotiations with the DEC are expected to be concluded by year end. A legal challenge to the legality of the Village gates has been resumed by resident, Donald Hanson.

Infrastructure projects are proceeding for the EFC financing Readiness List. Additional water and sewer projects are under consideration.

Despite higher than planned expenditures in some areas, only 21% of the 2009-2010 budget has been used with 26% of the fiscal year lapsed.

Deputy Mayor Hays – had no comments.

Police – Chief Sanford gave a synopsis of the August activities. He will be sending out letters to residents who have fire alarms that repeatedly go off. Deputy Mayor Hays noted that there have been an increased number of complaints regarding noise after working hours. Chief Sanford responded that it is due to uninformed workers, who are subsequently being made aware of the law.

DPW – Superintendent Jeff Voss asked that the Board award the 2001 dump truck body bid to the second lowest bidder as the lowest bidder is not able to provide the specified dump body and raised his price in order to make it conform to the truck chassis.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the bid for the dump body be awarded to The Bristol Donald Co., Inc., Newark, New Jersey, in the amount of \$10,150 for a new 6-8 yard capacity steel dump body for the 2001 Kodiak C8500 dump truck.

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

The motion was passed by a 5-0 vote.

## **BUILDING PERMITS**

### Parr

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Gary Parr, East Lake Road, Tax Map No. 105-1-20.1, for the replacement of 12 steel windows with wood windows as approved by the BAR be approved by the BOT.

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.

### Riordan

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the demolition permit of Tom & Jeanne Riordan, Cliff Road, Tax Map No. 107-1-20, for the demolition of a single family dwelling as approved by the BAR 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.

\*See amendment on page 4.

**PUBLIC COMMENTS** – None

## **OLD BUSINESS**

### **ENGINEERING EXPENSES FOR NYS FINANCING REIMBURSEMENT**

A discussion was held regarding the Sewer Maintenance building repair expenses that have already been paid and the expenses for the upcoming repair of the Chlorine building as well as related engineering costs for both. The total is approximately \$175,000. In order to apply to the NYS Environmental Facilities Corporation (EFC) for reimbursement of these expenses, a SEQRA review must be done first. Mayor Stebbins asked that Attorney Rick Golden work with Village Engineer Rich Messer to prepare, by October 9<sup>th</sup>, the EAF for these projects in addition to the EAF for the relocation of the Tuxedo Lake Dam water line. The BOT will review both EAFs prior to the October 14<sup>th</sup> Trustees meeting.

## **NEW BUSINESS**

### **AUTHORIZE WESTON & SAMPSON CONTRACT FOR TUXEDO LAKE DAM WATER MAIN RELOCATION**

A discussion was held on the scope of work, the cost, and who would be overseeing the project on a daily basis. The Infrastructure Committee will be asked for input on the Clerk of the Works position.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board approve the proposal of Weston & Sampson dated August 20, 2009 for the West Lake Road Water Line Relocation engineering services related to Task 1 and 2 totaling \$54,800.

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.

### **ELIGIBLE FY2010 BUDGETED CAPITAL PROJECTS TO QUALIFY FOR NYS READINESS LIST**

A discussion was held on other infrastructure projects the Village will be undertaking. Also discussed was the stone wall on East Lake Road.

**WATER DEPARTMENT COLLECTION POLICY**

A discussion was held regarding a revised policy that is needed for the collection of unpaid water bills. Trustee Pompan will work with John Ledwith and Attorney Rick Golden on drafting procedures.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the internal unpaid water collection procedures policy as adopted by the BOT on October 20, 2006 be suspended.

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

The motion was passed by a 5-0 vote.

**BID DOCUMENTS – CHLORINE BUILDING**

Engineer Rich Messer will prepare the draft bid documents for the Chlorine building and Attorney Golden will review the language.

**\*BUILDING PERMIT CHARGE**

A discussion was held on the permit fee to be charged on the Riordan demolition project as well as an amount for a performance bond. The Board agreed to charge \$675 for the demolition permit fee.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the approval of the demolition permit for the Tom & Jeanne Riordan (107-1-20) be amended to require the posting of cash or other bond in the amount of \$10,000 to be held by the Village until completion of the demolition work and cleanup of the site.

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.

**APPROVE MINUTES**

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the July 8, 2009 Reorganization Meeting be approved as amended.

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

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the August 12, 2009 Board of Trustees Meeting be approved as amended.

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

The motion was passed by a 5-0 vote.

**INDEMNITY FROM STERLING PLACE** – Sterling Forest, LLC, as per Attorney Golden, should provide an indemnity to the Village regarding their subdivision application to the Orange County Board of Health, wherein the Village is deemed to be the Applicant despite Sterling Place being the de facto Applicant.

**AUDIT OF CLAIMS** - Bills in the amount of \$254,689.35 for the General Fund, claim numbers 9-1 to 9-84 and \$136,343.83 for the Water Fund, claim numbers W9-1 to W9-14 were audited and ordered paid.

**ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board adjourn to Executive Session at 11:25 p.m. to discuss Village issues relating to the DEC’s consent order for the Tuxedo Lake Dam. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer

These minutes approved by the BOT on 10/14/09.