

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
NOVEMBER 17, 2010
7:30 P.M.**

Present: Mayor Houston Stebbins
Deputy Mayor Gary Pompan
Trustee Christopher Hansen
Trustee Thomas Wilson
Trustee Robert Zgonena

Clerk: Deborah Matthews

Also: Chief Ken Sanford, John Ledwith, Jeff Voss, Cami Fischer, Laura & Seth Denberg, Sally Sonne, Peter Regna, Mary Jo Guinchard, Dena Steele, Meg Vaught, Denise Tavani, Alexa Yannuzzi, Dana Farrington, Tinka Shaw, Lili Neuhauser, Diane Larsen, and others.

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

REPORTS

Mayor

The Village has been working on obtaining a deer culling permits since the previous Trustee meeting and it will be discussed later in this meeting. He reminded the residents that the Board of Trustees is not the enemy in this matter. Efforts will continue on developing a deer management plan for Tuxedo Park. He stated that culling is not the singular solution to the tick and Lyme problem and stressed the importance of education, resident safety during culling activities, and the need to protect Village's lakes from pesticides.

The General Fund cash balance is \$2.9M as opposed to \$2.7M the same time last year. This represents 41% of the expended budget with 46% of the fiscal year having passed.

Police - Chief Sanford gave an overview of October Police activities.

DPW – Jeff Voss asked for permission to purchase the sander for the new plow truck. The Board noted that the September 15th BOT approval given for purchase of the truck allowed for the cost of the sander.

Water Department

John Ledwith reported: 1) Seasonal water bills were prepared and mailed; 2) four of six past due accounts are paid in full without turning off water service; 3) located an illegal bypass in the Tuxedo Club seasonal meter pit which will be corrected when the new meter for all Tuxedo Club facilities is installed as a result of the new West Lake Road water line.

Advisory Committees – None

BUILDING PERMITSBiagioni

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Ettore Biagioni, 35 West Lake Stable Road, Tax Map No. 104-1-27, for extensive renovations to his single family dwelling as approved by the BAR be approved.

Vote of the Board: Trustee Wilson – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

El-Rayess

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the building permit application of Tamer El-Rayess, Crows Nest Road, Tax Map No. 105-1-8, for a building permit extension for the construction of his single family dwelling as approved by the BAR be approved.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – aye
Mayor Stebbins – aye
Deputy Mayor Pompan – aye
Trustee Zgonena – aye

The motion was passed by a 5-0 vote.

Zgonena

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the building permit application of Robert Zgonena, 18 Ridge Road, Tax Map No. 106-1-57.2, for a change in paint color on a single family dwelling as approved by the BAR be approved.

Vote of the Board: Trustee Wilson – aye
Trustee Hansen – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye
Trustee Zgonena – abstain

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

Harris

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the building permit application of William Harris, 57 Clubhouse Road, Tax Map No. 107-1-64, for window and door changes and chimney removal as approved by the BAR be approved.

Vote of the Board: Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Wilson – aye

Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

The Tuxedo Club

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the building permit application of The Tuxedo Club, 1 West Lake Road, Tax Map No. 107-1-3, for an addition to the existing tennis house as approved by the BAR be approved.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – aye
Deputy Mayor Pompan – aye
Trustee Zgonena – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

John Ledwith also reported: 1) Violation notices have been prepared for Mr. Kaufman regarding his boathouse and the Village is in the process of serving him; 2) a leaf regulation letter was sent to landscapers and posted on the Village website; 3) a letter and pictures showing hazardous trees standing adjacent to Tuxedo Road was sent to Tuxedo Park Estates advising them of their need to take action to cure the dangerous situation; 4) Village propane service was changed from Suburban Propane to SOS Fuels for a 66% savings and the generator at the Police station will be converted from propane to natural gas; 5) charges for four off-site telephone circuits were transferred to the appropriate department accounts (from Village Office to Police and Water) and one unused Village line was disconnected; 6) arranged for phone service on 2 of the 4 Village Office lines to be converted to cable telephone service.

PUBLIC COMMENTS

Speakers: Peter Regna, Cami Fischer

Comments:

A lot of infrastructure projects going on in the Village – applaud the Mayor and Trustees and employees for taking it on and managing them.

Asked to be appointed the official coordinator and point person for the deer and tick program.

OLD BUSINESS

DEER AND TICK ISSUES

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the Board of Trustees hold a public hearing on Tuesday, December 7, 2010 at 7:30 p.m. in the Village Hall on the proposed Deer Culling Program.

Vote of the Board: Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Wilson – aye

Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

A continuation of the October 20th discussion was held, including an update on procedures for obtaining NYSDEC permits for deer culling, D-maps, deer drives, ticks, Lyme disease, deer survey, and information coordinator.

A motion was made by Trustee Hansen, seconded by Trustee Wilson that Cami Fischer be appointed the coordinator for gathering and distributing deer and tick information to the Board and that Mayor Stebbins will be the person responsible for contacting and holding discussions with the various agencies involved.

The matter was agreed to without a formal vote.

A motion was made by Deputy Mayor Pompan, seconded by Trustee Zgonena that the Lyme Disease survey as prepared by the Tick and Lyme subcommittee of the Environmental Committee as approved by the Trustees be sent out to the Village residents, and that Cami Fischer will take ownership of the coordinating and distributing of the survey.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

APPOINT PART TIME TRAFFIC GUARD

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that Sheila M. Briggs, Tuxedo, NY, be appointed as a part time Traffic Guard in the Village of Tuxedo Park Police Department.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

PRICING OPTIONS FOR CODERED AND WEATHER ALERTS – A discussion was held on the benefits vs. cost of the Weather Alert service.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Village subscribe to the basic limited service of the CodeRed communications system for \$2,520 with a 6-month free trial period for the Weather Alert service.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – nay
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 4-1 vote.

RENEW SANITATION SERVICES CONTRACT – The proposed renewal is at a reduced rate from \$12,719.95 to \$12,293.00 per month (or \$426.95 per month reduction) which represents an annual savings of about \$5,000.

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Sanitation Contract of Sterling Carting, Inc. be extended for one year due to the excellent services provided at a cost of \$12,293.00 per month., and will expire December 2011.

Vote of the Board: Deputy Mayor Pompan – aye
Trustee Zgonena – aye
Trustee Wilson – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

APPROVE FINANCING TERMS FOR NEW DPW TRUCK

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board approve the Bank of America financing terms for \$132,570.04 for the purchase of the new DPW dump truck with a fixed 5-year interest rate of 2.72% through mid-December 2010 or, if the truck is delivered later, then an interest rate of 2.78% through mid-January 2011. The interest rate step-up reflects the change in market rates for the fixed rate lock on our financing.

Vote of the Board: Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Wilson – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

NEW BUSINESS

BAR APPOINTMENT

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that Joseph McCann, 114 Turtle Point Road, be appointed to the Board of Architectural Review to fill the unexpired term of Jacqueline Green, term expiring June 2014.

Vote of the Board: Trustee Wilson – aye
Trustee Hansen – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

DESIGN GUIDELINES – A discussion was held on the progress to date.

LEGAL ACTION REGARDING KAUFMAN BOATHOUSE

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the following resolution be approved for authorizing the law firm of Burke, Miele & Golden, LLP to initiate legal action regarding the Kaufman boat house violations located on Tax Map 103-1-27.12:

Whereas, Mr. Kenneth Kaufman, owner of a parcel designated on the Village Tax Map as 103-1-27.12, has been notified on previous occasions that his property and the boathouse located thereon are in violation of several provisions of the Village Code, as well as provisions of the New York State Building Code and the regulations of the New York State Department of Environmental Conservation, and

WHEREAS, Mr. Kaufman has failed to take any meaningful action to remediate the conditions causing the violations, or to otherwise bring his property into conformance with Village and New York State requirements, and

WHEREAS, the Village Board of Trustees desires to utilize legal action to remedy this situation so as not to endanger the integrity and safety of Tuxedo Lake, the Village's reservoir,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby authorizes Richard B. Golden, Esq., and his law firm of Burke, Miele & Golden, LLP, to prepare all necessary papers, and initiate and file in New York State Supreme Court and/or Village of Tuxedo Park Justice Court any action or actions in law or equity as necessary or appropriate as against Mr. Kenneth Kaufman and his property, and to request such lawful remedies therein including, but not limited to, any injunctive relief, fines, penalties, or other damages, in order to enforce and remedy the violations above-noted.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson - aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion and resolution were passed by a 5-0 vote.

WESTON & SAMPSON PROPOSAL-DEVELOP BID DOCUMENTS FOR GUIDERAILS

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Weston & Sampson proposal dated November 17, 2010 for engineering design and bidding of the Tuxedo Road Guide Rail project in the amount of \$4,700 be approved.

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

Deputy Mayor Pompan – aye
Trustee Zgonena – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

TWO NEW ADMINISTRATIVE POLICIES FOR VILLAGE BOARDS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve two new Administrative Policies for all the Village boards, which include completion of Conflict of Interest forms and Resident in Good Standing status as detailed in the Mayor's e-mail to the Trustees dated November 4, 2010.

Vote of the Board: Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Wilson – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

LEVY UNPAID VILLAGE TAX BILLS TO ORANGE COUNTY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Village Clerk be authorized to send to the County of Orange Commissioner of Finance the attached list of unpaid 2010-2011 Village taxes in the amount of \$89,028.04 for levy onto the January 2011 Town/County Tax Bill. (A copy is attached.)

Vote of the Board: Trustee Zgonena – aye
Trustee Wilson – aye
Trustee Hansen – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

ORANGE COUNTY TAX EXEMPTION-WATER FACILITY LOCATED IN THE TOWN

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 2012.

Vote of the Board: Trustee Wilson – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

APPOINT TWO FIRE COMMISSIONERS FOR TUXEDO JOINT FIRE DISTRICT

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that Kent Clark and Elwood 'Skip' Briggs be appointed as Fire Commissioners in the Tuxedo Joint Fire District, each with a five year term expiring December 31, 2015.

Vote of the Board: Deputy Mayor Pompan – aye
Trustee Zgonena – aye
Trustee Wilson – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

CHASTELLEUX PROPERTY – Trustee Hansen inquired as to who will be renting the water plant rental house now that Village Employee Tom Smith will be moving out. Mayor Stebbins noted that it will be DPW Superintendent Jeff Voss.

APPROVE MINUTES

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the minutes of the October 20, 2010 Board of Trustees meeting be approved as amended.

Vote of the Board: Trustee Hansen – aye
Trustee Wilson – aye
Trustee Zgonena – aye
Deputy Mayor Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$283,679.42 for the General Fund, claim numbers 11-1 to 11-93; \$20,090.44 for the Water Fund, claim numbers W11-1 to W11-12; \$34,246.82 for Capital Projects, claim number CP11-1 to CP11-2; and \$11,507.75 for Professional Fees, claim number PF11-1 to PF11-6 were audited and ordered paid.

ADJOURN TO EXECUTIVE SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board adjourn to Executive Session to discuss employee compensation

Respectively submitted,

Deborah A. Matthews
Village Clerk-Treasurer