

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
DECEMBER 15, 2010  
7:30 P.M.**

Present: Mayor Houston Stebbins  
Deputy Mayor Gerard Pompan  
Trustee Thomas Wilson  
Trustee Robert Zgonena

Absent: Trustee Christopher Hansen (arrived at 10:45 p.m. for Executive Session)

Clerk: Deborah Matthews

Also: Chief Ken Sanford, John Ledwith, Dena Steele, Susan Goodfellow, Alyssa Dragone, Stephen Broadheim, LiLi Newhauser, Meg Vaught, Alan Heywood, David duPont, Chiu-Yin Hempel, John Kilduff, Paul Gluck, Rob Silvay, Paola Tocci, Patsy Wooters (Suffern, NY-Ramapo Highlands Coalition)

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

## **REPORTS**

### Mayor Stebbins

Expressed his gratitude to all the individuals who work hard to help the Village run smoothly, in particular Police Chief Sanford and DPW Superintendent Jeff Voss, as well as John Ledwith and Debbie Matthews in the Village Office. He gave a special thanks to the Tuxedo Park Garden Club for all their work in providing holiday wreaths and spring flowers in and around the Village as well as the downtown area of Tuxedo.

He offered a debt of gratitude to all those currently serving on the Village's Boards (Trustees, BAR, BZA and PB) and committees for their tireless efforts on behalf of the Village.

Village expenditures are running below plan, totaling on a year-to-date basis 47% of the budget versus 54% of the fiscal year having passed. As of 11/30/2010, the General Fund carries a cash balance of \$2,602,690.63 as compared to \$2,395,773.82 for the same time last year.

### Deputy Mayor Pompan

The Tree Committee continues to work on a comprehensive proposal for new tree legislation. It is expected to be received in January or possibly February.

The Budgeting processing is drawing near and it would be a good time for Department Heads to meet with their Trustee Liaisons and begin discussing their 2011-2012 budgets.

The pamphlet titled "You Can't Cap What You Can't Control" was received from NYCOM, and he suggested that Trustees and residents take time to review it as it is a good primer for dealing with those expenses that lie out of the Village's control.

Police – Chief Sanford gave an overview of November Police activities. He also reported: He continues to work with CodeRed; only 2 deer were shot under the D-Map program; he is

working with Denise and Trustee Hansen to establish a better TP tag system (using a color stripe that expires every year); and a meeting is being scheduled with the traffic guards and Village Attorney.

### Water Department

John Ledwith reported: 1) an update on delinquent water accounts; 2) Village and Town 2009 outstanding balances of \$84,880 compared to 2010 outstanding balances of \$35,856 = 58% reduction; 3) water meters at the Water Plant have been recalibrated and reinstalled; 4) the water leak at Rino Construction on Route 17 is being repaired this week; and 5) an updated water loss analysis will be submitted for the January 2011 BOT meeting.

### Other

John Ledwith reported: 1) the propane tank was removed at the Police Station, a refund from Suburban of \$5,657.68 was received, and with assistance from the DPW a new natural gas line was installed for the generator at the Police Station; 2) all propane tanks (Suburban Propane) for Village accounts were removed and SOS tanks were installed; 3) in the process of changing telephone service at the Village Office to a combination of internet and copper; and 4) recommend the Police Department research more cost effective ways to maintain communications between the main Police Gate and the South Gate as that bill totals about \$500 per month.

### **BUILDING PERMITS**

John Ledwith reported: 1) there were no new building permits to be issued; a letter was sent to Tuxedo Lake adjacent property owners (38) asking them to take advantage of the low lake level to cleanup their shorelines; 2) a letter was sent to local snow plowing companies advising them of the plowing regulations and Village roads (also posted on the Village website); 3) a C of O was issued to the new home on Turtle Point Road (Joseph McCann) and a request is being made to the BOT to release Mr. McCann's performance bond; 4) he's continuing to work with utility companies to replace old utility poles and guy wires; and 5) Village Police continue to attempt to serve Ken Kaufman with appearance tickets for Village Court regarding violations on his boathouse.

### *RESOLUTION TO RELEASE BOND*

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the performance bond held by the Village during the construction of the single family home constructed by Joseph McCann (Cliffside Partners), Tax Map No. 103-1-7.2, Turtle Point Road, in the amount of \$61,643.13 be released as the project is complete and a Certificate of Occupancy has been issued to Mr. McCann.

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

The motion was passed by a 4-0 vote.

## **PUBLIC COMMENTS**

Speakers: John Kilduff, Robert Silvay, Thomas Wilson (as a resident), Patsy Wooters, David duPont, Alan Heywood.

Comments: Tuxedo Reserve (Related Companies) issues and problems in other communities they built in; inadequate environmental review by the Town of Tuxedo; financial problems of Related Companies; impact on the Village. A thank you to the BOT for obtaining a favorable Court decision on the Hanson litigation. What is being done about the TP tag situation – many people seen coming in who no longer live in the Village.

## **NEW BUSINESS**

### **DESIGN GUIDELINES**

Board of Architectural Review Chair Paola Tocci gave an update on the progress of the Design Guidelines. The latest draft is written more like actual guidelines as opposed to the original draft which was written in the style of the Village Code. The new draft also adopts more of an “open arms” policy by suggesting that all styles of architecture are welcome in the Village as long as applicants adhere to the standards as outlined in the guidelines. They are drafted to be user friendly. A final draft is expected by the Tilly firm shortly.

A discussion was held regarding the Guidelines, length of time to receive approval, applicants who complete work without approval, violations/Village Court, role of the Planning Board, etc. It was suggested that the Design Guidelines include: 1) a checklist for applicants; 2) two important issues be addressed – construction of new homes and renovations and improvements to existing homes; and 3) the guidelines must have longevity.

Deputy Mayor Pompan asked Ms. Tocci to provide the Board with examples of current projects before the BAR and then apply the proposed Guidelines to them to see if the Guidelines would have been helpful. He would like to review the examples before approving the Guidelines.

**NYS AND PROPERTY TAX CAP** – A request was received from NYCOM that all New York State municipalities adopt a resolution regarding the proposed NYS Property Tax Cap to include mandate relief, and forward it on to the New York State Governor and Legislators.

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the Board approve the following resolution that a property tax cap must include mandate relief:

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Tuxedo Park that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must *reduce the burden of* the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – *as a prerequisite to* any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator David Carlucci, Member of Assembly Annie Rabbitt, and the New York State Conference of Mayors.

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

The motion was passed by a 4-0 vote.

## **INFRASTRUCTURE PROJECTS UPDATE**

Mayor Stebbins reported that the Village is in good shape with infrastructure projects. Of the \$1.5 million borrowed in August via public debt markets, to day \$333,000 has been spent with \$1.2 million remaining. The West Lake Road and Clubhouse Road water main projects are expected to cost approximately \$400,000 and \$300,000 has been set aside for the Tuxedo Road guide rails.

**TUXEDO RESERVE DISCUSSION**

Mayor Stebbins stated that Trustee Wilson requested Tuxedo Reserve be added to the agenda.

Trustee Wilson noted that he will be speaking as both a Village resident and a member of the Tuxedo Land Trust. His purpose is to discuss Tuxedo Reserve and the proposed Article 78 that Tuxedo Land Trust will be filing on December 22<sup>nd</sup>. Tuxedo Land Trust, as well as other residents of Tuxedo/Tuxedo Park and surrounding communities, is concerned that the development may have significant environmental impacts, including potential adverse impacts on Tuxedo Lake. The draft of the lawsuit will be available for review on December 17<sup>th</sup>.

A lengthy discussion was held and topics included: public meetings the Town has held regarding Tuxedo Reserve, SEQRA, Town Board votes, comments from Dr. Gates regarding environmental issues affecting Tuxedo Lake, Smart Code vs. Town of Tuxedo Code, lead agency status of the Town, etc.

It was agreed that, if time constraints allowed, the Village attorney would contact the Tuxedo Land Trust attorney to discuss the Article 78 draft, and obtain answers to the Trustees questions.

**OLD BUSINESS****HIRE PROFESSIONAL GROUP TO ACT AS AGENT FOR DEER CULLING**

Mayor Stebbins has met with White Buffalo, Inc. and the USDA regarding the deer culling and management program; both have qualitative differences. White Buffalo is a non-profit wildlife management and research organization (cost is \$20,000) and the USDA is run by the Federal Government (cost is \$22,800). A discussion was held and the Mayor asked that he and Chief Sanford be authorized to compare the two options and select the one they feel would best serve the Village.

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Mayor and Police Chief be authorized to compare programs and costs of White Buffalo and the USDA and to select the company that is best suited for the culling needs of the Village, and that the cost will not exceed \$22,800.

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

The motion was passed by a 4-0 vote.

**APPLICATION TO NYSDEC FOR A DEER CULLING PERMIT** – An application is being prepared to submit to the NYSDEC along with a list of 10 eligible Village properties and copy of the agreement from the firm hired for the culling program

**APPROVE MINUTES**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the minutes of the November 17, 2010 Board of Trustees meeting be approved as amended.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the minutes of the December 13, 2010 Special Board of Trustees Meeting be approved.

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

The motion was passed by a 4-0 vote.

**AUDIT OF CLAIMS** - Bills in the amount of \$111,460.10 for the General Fund, claim numbers 12-1 to 12-94, \$15,320.93 for the Water Fund, claim numbers W12-1 to W12-14, \$50,607.01 for Capital Projects, claim numbers CP12-1 to CP12-3, and \$3,529.48 for Professional Fees, claim numbers PF12-1 to PF12-3 were audited and ordered paid.

**ADJOURN TO ATTORNEY-CLIENT SESSION**

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Board adjourn to Executive Session at 10:43 p.m. to discuss employee compensation, the Hanson litigation and professional review fees. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer