

**VILLAGE OF TUXEDO PARK
SPECIAL BOARD OF TRUSTEES MEETING
FEBRUARY 18, 2010
7:30 P.M.**

Present: Mayor Houston Stebbins
Deputy Mayor Hays
Trustee Gerard Pompan

Absent: Trustee Christopher Hansen
Trustee Worthy

Clerk: Deborah Matthews

Also: John Ledwith, Chief Ken Sanford, DPW Superintendent Jeff Voss,
Meg Vaught, Donald Hanson, Ken & Valerie Stewart and daughter

Mayor Stebbins called the meeting to order and led the Pledge of Allegiance.

BUDGET WORKSHOP

Trustee Pompan led the discussion on the various department items in the proposed Tentative Budget.

Deputy Hays, as liaison to the DPW, stated that Mr. Voss is making an effort to reduce costs in the current year's budget. In the proposed budget, expenses are up slightly due in part to budgeting for a new dump truck and repair options for a roof and exterior painting at the DPW building.

Trustee Pompan noted other items for the Water Department and Police Department include: repair of the leaking roof at the Water Plant, replacement of the heater/AC unit in the Police booth, and repairs to the two Village rental properties. Also discussed were buying or leasing Police radios and the high electric and gas bills for the Police department due to the age and lack of insulation in the Police station.

SECOND BUILDING PERMIT EXTENSION FOR DONALD HANSON

A lengthy discussion was held regarding the status of various aspects of Donald Hanson's project. The schedule of completion dates that was submitted to the Building Inspector and the Village Engineer from his attorney, Dennis Lynch, dated February 16, 2010, was also discussed. An inspection of Mr. Hanson's property was conducted by the Building Inspector and Village Engineer and their findings are noted in a memo to the Board of Trustees dated February 17, 2010. (Copies of the letters are attached.) Mr. Hanson's neighbors, Ken & Valerie Stewart, commented and noted the continued, extensive damage to their property caused by flooding from Mr. Hanson's property.

The Board was in agreement that Mr. Hanson should be allowed to complete the project as quickly as possible with conditions.

APPROVAL OF RENEWAL

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that a conditional approval of a second and final renewal building permit for Donald Hanson, 4 Towner Hill Road (Tax Map 107-1-24), be granted as detailed in the following resolution:

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 certain conditions, and

WHEREAS, owing to Mr. Hanson's satisfaction of those conditions a six-month Building Permit Renewal was issued by the Building Inspector that expires on February 23, 2010, and

WHEREAS, without a second and final renewal in accordance with Section 100-36(B) of the Village Code Mr. Hanson would be required to cease all work on his previously approved project as noted above,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby grants a second and final building permit renewal of six months (to be measure from the date of the issuance of such a written building permit to Mr. Hanson), upon the following conditions:

1. A second siltation fence and more straw must be installed as soon as practicable but in any event by March 1, 2010, and together with the existing siltation fence maintained on a regular basis, so that they both are effective in performing their function of controlling the migration of silt off of the premises, all to the satisfaction of the Village Building Inspector or Village Engineer;
2. Mr. Hanson must submit for approval by the Village Engineer or Building Inspector a reasonable timeline/milestone schedule (the "Schedule") for completion of all work allowed under the renewed building permit in accordance with the approved plans and within the time frame granted by this six-month renewal; and
3. At all times, the adverse effects of storm water runoff and soil erosion on adjacent Village streets will be mitigated to the greatest extent possible;
4. By April 1, 2010 a storm water management system must be: (1) completed and fully operational on the Hanson property; (2) consistent with the design specifications of

Mr. Hanson's site plans as last submitted to the Village or as modified and approved by the Village Engineer or Building Inspector; and (3) maintained to the satisfaction of the Village Engineer or Building Inspector;

5. By April 1, 2010, all construction related soil and rock storage mounds, and all other similar site disturbances owing to construction operations, must be removed, or otherwise remediated in accordance with the approved plans, such that the topographical contours of the land are returned to their pre-construction condition, except as otherwise required by the approved plans, all on a basis satisfactory to the Village Engineer or Building Inspector;

6. The Board of Trustees requests that Mr. Hanson consider as a part of his landscaping plans the implementation of swales, rain gardens or other such environmental techniques in order to mitigate post construction any remaining adverse impacts to adjacent Village streets from storm water runoff or soil erosion problems emanating from his property.

7. On an on-going basis, the Village Building Inspector must certify that Mr. Hanson's improvements to his property are in compliance with the Village Code.

AND BE IT FURTHER RESOLVED that if Mr. Hanson does not comply with the timetable in his own Schedule, or if work is not progressing in accordance with the approved plans, or if the work is being performed not in accordance with the Village Code or N.Y.S. Building Code, then stop work orders may be issued in accordance with the Village Code and directed at such activities in order to ensure that any deficiencies are corrected.

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

The motion was passed by a 3-0 vote.

RE-OPEN BOARD OF ASSESSMENT REVIEW MEETING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board of Assessment Review (Grievance) meeting be re-opened at 10:07 p.m.

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

The motion was passed by a 3-0 vote.

Mayor Stebbins noted for the record that according to the NYS Real Property Tax Law, the Grievance meeting can be held open until March 15th.

Zoe Ministries

A discussion was held on their request for reinstatement of a 100% tax exemption and the need for further research by the Village Attorney. The matter will be tabled until the March 10, 2010 BOT meeting.

Alane Mason

A discussion was held on her request for an assessment reduction on her 4.6 acre vacant lot located on Camp Comfort Road.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the assessment of \$30,000 not be changed.

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

The motion was passed by a 3-0 vote.

John Primiano

A discussion was held on his request for an assessment reduction on his residence located at 97 Laurel Road.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the assessment of \$340,000 be lowered to \$280,000.

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

The motion was passed by a 3-0 vote.

WJB Villa

A discussion was held on the owner's request for an assessment reduction on the apartment building located at 61 Crows Nest Road.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the assessment of \$400,000 be lowered to \$360,000.

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

The motion was passed by a 3-0 vote.

Adjournment to March 10, 2010

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board of Assessment Review meeting (Grievance Day meeting) be adjourned to the Board of Trustees meeting on March 10, 2010 at 7:30 p.m.

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

The motion was passed by a 3-0 vote.

NEW PLAN FOR VILLAGE HEALTH INSURANCE – A discussion was held.

AWARD BID FOR STREET SWEEPER

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the only bid received (out of 6 bids solicited) for a pre-owned 1998 Elgin Street Sweeper be awarded to Timmerman Equipment, Whitehouse, New Jersey, in the amount of \$30,000 which includes trade-in.

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

The motion was passed by a 3-0 vote.

W&S PROPOSAL FOR SSES WORK PLAN

The NYSDEC is requiring that the Village address its I&I problem, and they have reviewed and accepted a schedule submitted to them by Weston and Sampson on behalf of the Village. W&S has submitted a proposal to the Village for the collection of data by conducting manhole flow testing in 17 sub areas, done mostly at night, at a cost of \$38,900. A discussion was held. No action was taken.

GRUTERICH WALL – A discussion was held.

APPROVE MINUTES - Tabled

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the meeting be adjourned at 11:47 p.m. The vote was 3-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer