

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MARCH 10, 2010
7:30 P.M.**

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

Absent: Trustee Christopher Hansen

Clerk: Deborah Matthews

Also: John Ledwith, Jeffrey Voss, Chief Ken Sanford, Richard Messer, P.E., Meg Vaught, Mary Grimmig, Dena Steele, Alan Heywood, Michele Lindsay, Anthony Mason

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

REPORTS

Mayor Stebbins

Read his statement that was posted on the website regarding the recent snow storm (copy attached). In the statement he offered much gratitude and appreciation to Village Departments, namely the DPW and Police, for all their hard work during the storm. He also thanked Deputy Mayor Hays for managing during the storm in his absence. In the future, residents should be aware of other storm hazards such as downed wires and falling tree limbs.

In regard to the budget, the Village's expenditures are running slightly ahead of budget (80.8% of full budget year compared to 77.5% of the budget year passed). A FYE2010 expected deficit of \$400K (due largely to legal expenses) will be covered by the Village's accumulated surplus. April 1st is Census Day and all residents are encouraged to participate as the information collected is important in determining how the federal government distributes more than \$400 billion each year to the states.

Bears are expected to end hibernation in April, so bird feeders should be brought inside.

Advisory committees have been asked not to solicit the DPW or Police to undertake any project without the Mayor's or the Board of Trustees' prior approval.

Deputy Mayor Hays

He concurred with Mayor Stebbins comments regarding the snow storm and commended the DPW for keeping the Village roads open. He also commended the Police and noted the superb job Denise did in 'manning' the phones.

He suggested lifting the weekend ban on noise so that residents can clean up their properties.

On another note, he recommended the Village notify all landscapers regarding the Village's ban on phosphate fertilizers.

Trustee Pompan

He is working on preparing the Village 2010-2011 Tentative Budget, which will be filed with the Village Clerk by March 19th. A public hearing on the budget will be held on April 7th. Revenues

are down and are predicted to continue lower. Expenses continue to increase-some controllable and some not. All Village departments have been diligent in keeping expenses down.

NOISE BAN – TEMPORARILY LIFTED

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that in order for properties to be cleaned up from the recent snow storm, the weekend ban on noise for landscapers and homeowners be lifted until further notice.

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

The motion was passed by a 4-0 vote.

Police - Chief Sanford gave a synopsis of the February activities. Since Mayor Stebbins was out of town, Deputy Mayor Hays was the major contact person during the storm. Chief Sanford thanked Deputy Mayor Hays and the DPW for all their help during the recent storm.

DPW – Superintendent Voss reported his department kept things running as smoothly as possible during and after the storm. The repaired plow truck was returned the day before the storm. With heavy rains predicted he asked that residents clear out any storm drains located on their property.

Water Department – John Ledwith reported that water shut-off notices are being sent to those Town customers who have not made any payment or responded to the Amnesty Plan options.

Advisory Committees

VIAC – Michele Lindsay reported on completed projects (copy attached). The Committee is working with the Garden Club on the rain garden, as well as continuing to work on street lights, road drains, guide rails, trees on Village property needing removal, Beach Club landscaping, and new playground equipment.

The Board asked for a long term capital plan for the Beach Club as well as an accounting of their last year's income and expenses.

BUILDING PERMITS

Howard/Williams

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of Gerald Howard & Susanne Williams, 12 Acoma Road, Tax Map No. 105-1-25, for a single garage door replacement as approved by the BAR be approved.

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

The motion was passed by a 4-0 vote.

Randy Miller

The Board was in concurrence that the \$15,000 performance bond that has been held in escrow for the house located on Cliff Road which was completed and sold to the Buckminster's in 2003 be released to the builder, Randy Miller. The bond for the road being held is not due to be released for 10 years, which is sometime in 2011.

Other Building Department Issues – John Ledwith reported that enforcement items requiring BOT attention remain for Kaufman, Diem and Hu; O&R replaced 13 street light bulbs; 16 street light fixtures have been tested as operable and can be installed by O&R; letters were sent to residents having septic systems (18) and cesspools (2); the Village South Gate rental house has a septic system and will be cleaned.

PUBLIC COMMENTS

Speakers: Dena Steele, Alan Heywood, Anthony Mason

Comments: Bird feeders should be put inside by April 1st, the rain garden is being worked on, recommend removing the end of building window boxes from the Village Office; illegal dumping of tree limbs by a resident onto Village property; put a notice in newsletter regarding dumping; have O&R come in and remove the dangerous trees.

NEW BUSINESS

W&S PROJECTS – Rich Messer (W&S Engineer) discussed the Project Update list dated March 10, 2010 reported on the projects that his firm is working on.

DPW Facility Feasibility Study

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the proposal submitted by Weston & Sampson dated February 10, 2010 in the amount of \$5,000 for a study to assess the feasibility of constructing a new DPW facility be approved.

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

The motion was passed by a 4-0 vote.

Sewer System Evaluation Survey (SSES)

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the proposal submitted by Weston & Sampson dated February 5, 2010 in the amount of \$38,900 for implementing the SSES work plan as presented to the NYSDEC consisting of manhole flow monitoring and to include the meeting of required DEC deadlines, with progress reports submitted to the DEC by April 1 and October 1 of each year be approved.

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

The motion was passed by a 4-0 vote.

RAIN GARDEN

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board approve the rain garden project planned for the corner of the Village Hall parking lot as presented by the Tuxedo Park Garden Club.

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

The motion was passed by a 4-0 vote.

SNOW STORM ISSUES – A discussion was held regarding the recent snow storm and the problems that were encountered. It was suggested that Superintendent Voss and Chief Sanford prepare an emergency response check list for use in the future.

NEW PLAN FOR VILLAGE HEALTH INSURANCE – Other plans are being researched. The Town of Tuxedo is doing the same.

CHANGE IN RECYCLING SCHEDULE – A short discussion was held. No determination was made.

TRAINING REQUIREMENT – PLANNING BOARD AND BZA – A discussion was held on the various courses offered by the O.C. Planning Federation as well as the NYS mandated number of hours required for training for Planning Board and BZA members. Also discussed was the Board's option to require training for the BAR as well.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board establish a new administrative police for Planning Board, Board of Zoning Appeals, and Board of Architectural Review members regarding mandatory training under NYS law wherein the 4 hour requirement would be required by all members with 3 years or less time on the board, those with more than 3 years a minimum of 2 hours training, and separately the Board would encourage these boards to avail themselves of the Orange County Municipal Planning Federation courses that are periodically offered.

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

The motion was passed by a 4-0 vote.

CODIFICATION OF VILLAGE CODE

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Village Clerk be authorized to proceed with the codification/updating of the Village Code as per the proposal from General Code Publishers dated March 10, 2010 at a cost not to exceed \$5,415 plus 2% for shipping and handling.

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

The motion was passed by a 4-0 vote.

GRIEVANCE MEETING

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Grievance Meeting be opened at 11:05 p.m. The vote was 4-0 in favor.

ATTORNEY-CLIENT SESSION

The Board entered an attorney-client session at 11:05 p.m. and re-entered regular session at 11:25 p.m.

Zoe Ministries (107-1-79) – A discussion was held regarding the size of the house, number of rooms, purpose of each room, how much religious activities may take place and the assessed value of \$600,000 with a market value of \$4.285 million (and listed for sale for \$3 million). They did not formally file #462 by January for the residence, but did file #420A under the tax law.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that with respect to Zoe Ministries' grievance application, the assessment be reduced to \$420K, the Board denies full residential religious use based on the untimeliness of filing #462 and insufficient evidence based on their submittal, and that the Board not consider more than 5% partial use of the property for office use for religious activities thus reducing the assessment to \$399,000.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan to close the grievance meeting at 12:00 p.m.

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

Trustee Pompan – aye
Mayor Stebbins – aye

The motion was passed by a 4-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$134,897.88 for the General Fund, claim numbers 3-1 to 3-89, \$30,930.30 for the Water Fund, claim numbers W3-1 to W3-14, and \$5,012.42 for Professional Fees, claim numbers PF3-1 to PF3-3 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 12:06 a.m. to discuss employee matters relative to hiring. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk