

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
APRIL 14, 2010
7:30 P.M.**

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

Absent: Trustee Charlotte Worthy

Clerk: Deborah Matthews

Also: John Ledwith, Chief Sanford, Jeff Voss, Meg Vaught, Dana Farrington, Dena Steele,
Alan Heywood, Rob Zgonena, Donald Hanson

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

REPORTS

Mayor Stebbins

The General Fund cash balance is running about \$88K ahead of the balance a year ago. Current expenditures represent 88.7% of the 2010 budget compared with 87.1% of the fiscal year having passed. Legal and engineering expenses are expected to push us over budget.

The estimated General Fund surplus is expected to be below \$500k on May 31st. Two years ago the surplus was over \$1,000,000. The drop is due to using the surplus to reduce the rise in tax rates needed to cover the growth in Village expenditures.

As part of their financial scrutiny of the budget, the Trustees have identified some potential new sources of revenue, such as charging the responsible person for any damage they cause to the guide rails on Tuxedo Road and charging a transaction fee payable by sellers of real estate.

Spring Bulk Pickup will be Saturday, May 15th.

Weston & Sampson will be conducting manhole flow testing between the hours of midnight and 5:00 am in various areas of the Village on random days.

Residents are asked to: trim bushes that have grown into the roadways, not to put garbage out the night before pickup because it attracts bears, and all dog owners are responsible for their own pet and they need to clean up after them.

Deputy Mayor Hays

Sterling Place is nearing final approval with the Town Planning Board. Of the 63 proposed homes, 13 lie in the flood plain and will need to be elevated.

On the evening of April 21st there will be a public hearing in Central Valley regarding Kiryas Joel's request to run a 13 mile waterline for the purpose of tying into the New York City pipeline.

He met with Supervisor Dolan regarding the new proposed health insurance plan for the Town of Tuxedo. The Supervisor feels he will be able to cut costs in half and suggests Mayor Stebbins or Trustee Pompan talk with the Supervisor to explore the options for the Village.

The Town has completed payment on the fiscal analysis of Tuxedo Reserve's amendment to their special permit and the information will be made public within a week or two.

He announced that after careful deliberation he has decided he will not run for re-election this coming June. He expressed his gratitude to Mayor Stebbins and all the Board members as well as Superintendent Jeff Voss and members of the various Village committees.

Police – Chief Sanford gave an overview of March Police activities. Also discussed was issuance of speeding tickets and administration of breathalyzer tests.

DPW – Superintendent Voss announced hydrant flushing will begin next week, starting April 19th in the Village and April 26th in the Town. During flushing they do basic pressure tests but not flow tests. In regard to VIAC's request to put soil on the exposed tree roots at the Wee Wah Beach, he consulted the Village's arborist and was told not to cover the top of the roots.

Water Department - John Ledwith reported on the status of: processed water analysis, water leak repairs, the Amnesty payment program, water billing update, landscaper notices for phosphates, hydrant flushing notices, and responses to the February 2, 2010 letter sent to homes that are on septic systems.

VIAC – Alan Heywood, a member of the Committee, gave the Board an update of key projects the committee is currently working on: Street lights, trees, guide rails, Wee Wah Beach equipment, speed control, lanterns at the main gate, tree removal, and a tar machine for sealing road cracks. As liaison to the Wee Wah Beach Club, they submitted a proposal for the purchase of new playground equipment (2 spring riders and a 2-seat teeter totter) at a cost of \$2,523, and for a plastic playhouse at a cost of \$500.

The Board asked that a copy of all committee reports be submitted to them prior to the regular monthly meeting in order to make it easier for the Board to respond.

BUILDING PERMITS - A discussion was held on the location of the Village Boat Club docks and boat anchors in relation to the water intake pipe, fishing along West Lake Road, the Kaufman boat house, and tree removal on the Hu property.

Village Boat Club

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the building permit application of the Village Boat Club, Chastellux Lane, Tax Map 105-1-45, for the construction and installation of 4 new docks, one at the shore line, and 3 projecting into the lake, as approved by the BAR on April 6, 2010 be approved.

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

The motion was passed by a 4-0 vote.

Donald Hanson Project

Mayor Stebbins stated that a letter was received from Donald Hanson, 4 Tower Hill Road, dated April 14, 2010 in which he requests permission to take down ten dead or dying trees on his property, six of which are in the way of the installation of the propane tank and four along the road are hazardous.

A discussion was held regarding the project, including the trees, the storm water management plan, landscaping, completion of the construction, and the need for a tree replanting plan.

The Board concurred that Building Inspector John Ledwith visit the Hanson property and review the request. If Mr. Ledwith concurs that the trees are dead, Mr. Hanson should be allowed to move forward with removing them. In addition, the Board requested that Mr. Hanson submit, as soon as possible, a replanting plan that details where and when the new trees will be planted with the understanding that this must be done by the time the project is completed in August.

PUBLIC COMMENTS

Speakers: Dena Steele, Dana Farrington, Donald Hanson

Comments: 1) The Rain Garden is coming along thanks to Jeff Voss and the DPW and it should be planted by next week. The unveiling will be April 19th at 9:30 a.m. followed by a presentation by the design engineer; 2) requested that the Trustees change the maximum size of boats allowed on Tuxedo Lake from 20' to 21'; 3) observed sewage leaking from a manhole on Old Continental Road and heard rumors of the same off West Lake Road. (Mayor Stebbins responded that the Village is aware and the DEC was notified.)

OLD BUSINESS

MODIFIED 2010-2011 TENTATIVE BUDGET

The modifications to the tentative budget suggested at the April 7th public hearing have been incorporated and were discussed. The current version shows a reduction in the tax rate from 6.6% (as originally proposed) to 5.9%. Also discussed was the capital budget and the Village's surplus. The hearing was held open.

DRAFT OF NEW PROPOSED TREE LAW

The Board discussed the current draft and the policies that they would like to see incorporated into a new draft law. The purpose of the proposed legislation is to balance the rights of the property owners vs. the well being of the community in terms of issues such as storm water run-off and aesthetics.

NEW BUSINESS**LOCAL LAW INTRODUCTORY #2 OF 2010 REGARDING DAM SAFETY AND SITING APPROVALS**

The proposed law is DEC mandated and will affect those properties located downstream of Tuxedo Lake Dam. Only one house appeared to have been below the flood waters and that one was located next to the Wee Wah Dam but was torn down.

Procedures prior to adopting the law require a GML239-m form be submitted to Orange County Planning (to be prepared by Attorney Golden and submitted by Friday), an EAF form and SEQRA review, Lead Agency designation, Negative Declaration, and public hearing.

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that a public hearing be scheduled on May 12, 2010 at 7:30 p.m. on Local Law Introductory #2 of 2010 which adds a new Section 100-24 to the Village Code and provides for a restriction on the siting of structures to ensure that the hazard classification of Village dams are not increased thereby.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that on the GML239 referral to the County that the full statement of the proposed action need only include the full text of the local law and the environmental assessment form.

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

The motion was passed by a 4-0 vote.

POTENTIAL FOR INSURANCE COST SAVINGS – Tabled**TUXEDO PARK SCHOOL REQUEST TO STOCK TUXEDO LAKE**

A request was received by Matthew Heard, Assistant Head of Tuxedo Park School, dated April 10, 2010 requesting permission for the sixth grade class, in celebration of Earth Day, to release 150-200 10-14” trout into Tuxedo Lake. The fish source is Hickling’s Fish Farm, a state certified ‘safe’ source for healthy fish.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that approval be granted to the Tuxedo Park School for the stocking of Tuxedo Lake with up to 250 14” trout consistent with their approval plans of last year.

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

The motion was passed by a vote of 3 ayes and 1 abstention.

TUXEDO CLUB FIREWORKS REQUEST

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Tuxedo Club's request dated March 3, 2010 for permission to hold their fireworks display on July 3rd with a rain date of July 5th be approved contingent upon submittal of a certificate of insurance naming the Village as additional insured.

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

The motion was passed by a 4-0 vote.

WEE WAH BEACH CLUB REQUEST FOR PURCHASE OF EQUIPMENT

As a follow up to the earlier discussion of purchasing playground equipment, the letter received from VIAC was reviewed. Consistent with the Village's arrangement with the Wee Wah Beach Club, the annual license fee of \$4,000 would be reinvested into capital improvements to the Wee Wah Beach and would include playground equipment.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board approve the Wee Wah Beach Club's request to purchase new playground equipment at a cost of \$2,523 with the installation, if they so choose, to be done by the DPW at their full time hourly rate and materials cost.

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

The motion was passed by a 4-0 vote.

VILLAGE ELECTION AND POLL HOURS

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Village Election be held on Tuesday, June 15, 2010 from 12:00 noon to 9:00 p.m. in the Village Hall, 80 Lorillard Road, Tuxedo Park, NY.

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

The motion was passed by a 4-0 vote.

APPOINTMENT OF ELECTION INSPECTORS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the following persons be appointed Election Inspectors for the Village Election being held on Tuesday, June 15, 2010: Theodora Darling and Adeline Menzie at the rate of \$12.50 per hour and Nils Gerling, as Election Inspector and Chairperson, at the rate of \$14.50 per hour.

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

The motion was passed by a 4-0 vote.

COMPENSATION FOR DAMAGE TO VILLAGE PROPERTY - Tabled

BUDGET – A discussion was held regarding cash balances and surplus.

APPROVE MINUTES – Tabled

AUDIT OF CLAIMS - Bills in the amount of \$204,891.09 for the General Fund, claim numbers 4-1 to 4-98, \$15,430.09 for the Water Fund, claim numbers W4-1 to W4-15 and \$4,981.00 for Professional Fees, claim numbers PF4-1 to PF4-4 were audited and ordered paid.

ATTORNEY-CLIENT MEETING

At 12:30 a.m. Mayor Stebbins announced the Board would be entering an attorney-client meeting.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer