

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MAY 12, 2010
7:30 P.M.**

Present: Mayor Houston Stebbins
Deputy Mayor James Hays
Trustee Christopher Hansen
Trustee Charlotte Worthy

Absent: Trustee Gerard Pompan

Clerk: Deborah Matthews

Also: John Ledwith, Jeff Voss, Chief Ken Sanford, Meg Vaught, Mary Grimmig, Dena Steele, Robert Zgonena

Mayor Stebbins called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by Trustee Worthy.

REPORTS

Mayor Stebbins

He announced two candidates are running in the June election for two open Trustee positions. They are Robert Zgonena and Thomas Wilson. He thanked them for their interest in public service and the willingness to donate their time.

He thanked Trustees Jim Hays and Charlotte Worthy for their efforts and contributions to the Board. Their dedication to the Village is deeply appreciated and he and the community owe them both a great debt of gratitude for fulfilling their responsibilities as a Trustee with insight, hard work and a tremendous amount of good will.

In an effort to address some comments circulating around the Village, he stated that the recent increase in the Village taxes is not due solely to legal expenses. Over several decades taxes were kept artificially low due to the lack of attention to infrastructure, which is now being addressed. Regarding the litigation, the Board of Trustees did not just allow it to happen, but the Village is strengthened in its resolve to defend both its roadways and its gates. It is always best to discuss and resolve issues without litigation.

The Village's General Fund cash balance as of April 30th was \$884K or \$30K below its level one year ago. The Water Fund cash balance was \$299K or \$25K above its level one year ago.

Deputy Mayor Hays – Nothing to report

Police – Chief Sanford reviewed the April Police activities. He requested that Mayor Stebbins assist him in composing a letter to be sent to residents who consistently have false alarms which require a response by the Police and/or the Fire Department.

DPW – Superintendent Voss reported that he has begun to sweep the Village roads and is preparing those that are going to be repaved or resurfaced. The road striping will be done in the fall, and the flow meter at the sewer plant needs replacing as the current one is the third in 10

years due to corrosion and humidity. The Village Engineer is working on a replacement and system repair/redesign.

Water Department – John Ledwith reported on: the status of the water Amnesty program and water payment plans, Town and Village unpaid balances, and asked that the following resolution be made to levy Village unpaid water accounts.

Relevy Unpaid Village Water Bills

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the unpaid water accounts of Village residents having an unpaid balance greater than or equal to \$25 be levied onto their 2010 Village tax bill, with the total levy not to exceed \$21,355.73.

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

The motion was passed by a 4-0 vote.

Committees:

VIAC – Deputy Mayor Hays, on behalf of the committee, reported that VIAC did a ‘dead’ tree survey along various Village roads and marked trees that may be threatened, as well as inspecting and listing trees on private properties through the use of landmarks. They plan to bring in a guide rail expert to consultant with the DPW. The front gate lights have been repaired. Top soil has been laid and grass seed planted at the Wee Wah Beach area. In response, the Trustees reiterated that any proposed projects or hiring of consultants should be brought to the Board as a recommendation only.

IAC – Trustee Worthy, on behalf of the committee, reported that Village Engineer Rich Messer has recommended removing the ‘clean water’ pump at the sewer plant with a new one that would use the processed effluent to clean the sewer plant screens rather than processed water. The issue was discussed with no action.

BUILDING PERMITS

Howard/Williams

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Gerald Howard and Susanne Williams, 12 Acoma Road, Tax Map No. 105-1-25, for the removal of an existing rear deck and the addition of a new patio and rock walls as approved by the BAR on April 20, 2010 be approved.

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

The motion was passed by a 4-0 vote.

Stop Work Order

Building Inspector John Ledwith stated that he issued a Stop Work Order to Joseph Alderisio, 25 Mountain Farm Road, for making changes to his driveway and the landscaping that were not on the approved BAR plan and building permit. Mr. Ledwith spoke to Mr. Alderisio who said that he would come back to the BAR to remedy.

FEMA Request for Public Assistance Form – A preliminary estimate of \$13,000 for reimbursement of the March 13-15, 2010 rain storm costs was submitted to FEMA.

Water Bill Reduction Request – Trustee Hansen noted that the Board received a letter from Lisa Wolf/Steve Maurer requesting a reduction in their former tenant's unpaid water bill. The Board emphasized that property owner's having tenants are ultimately responsible for all their tenant's water bills. No action was taken.

O.C. Emergency Management Executive Meeting – Mayor Stebbins stated that Chief Sanford and Trustee Hansen are likely candidates to attend the meeting, which will include NIMS discussions, on May 20th. The Village is part of the NIMS program and we need to be more involved.

PUBLIC COMMENTS*RAIN GARDEN*

Dena Steele requested permission to install a small plaque in the Rain Garden dedicating it to former Tuxedo Garden Club member Ursula Ehlers, and recognizing Jeff Voss, DPW Superintendent, and Lehman & Getz, the design engineers.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the proposed sign for the Rain Garden in the corner of the Village Hall parking lot as proposed by the Tuxedo Park Garden Club, but reducing the font size and removing the name of Lehman & Getz.

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

The motion was passed by a 4-0 vote.

Speeding: Rob Zgonena suggested an unmanned Police car be stationed in strategic spots as the sight of one usually slows drivers down.

NEW BUSINESS

BOAT SIZE/DOCK SIZE – A discussion was held on a resident's recent request to allow 21' boats on Tuxedo Lake as opposed to the current law allowing a maximum of 20'. Also discussed was the size of docks currently allowed as opposed to a larger, more stable size. No action was taken.

INSTALLATION OF NEW FLOW METER FOR SEWER PLANT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the proposal submitted by Weston & Sampson dated April 2, 2010 for the installation of a replacement flow meter at the sewer plant in the amount of \$16,500 and will include labor, equipment and materials.

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

The motion was passed by a 4-0 vote.

SCHEDULE SPECIAL BOARD MEETING – PRESENTATION ON HEALTH INSURANCE

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that a special Board of Trustees meeting be scheduled for Wednesday, May 26th at 7:00 p.m. in the Village Hall for the purpose of hearing a presentation by Supervisor Peter Dolan on the Town of Tuxedo's proposed health insurance plan for municipal employees.

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

The motion was passed by a 4-0 vote.

REQUEST BY TUXEDO JOINT VOLUNTEER FIRE DISTRICT

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Tuxedo Joint Volunteer Fire District's request to use the Wee Wah Beach for their annual picnic on August 7th with a rain date of August 8th be approved.

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

The motion was passed by a 4-0 vote.

VILLAGE VOTER REGISTRATION DAY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Village Voter Registration Day be held on Saturday, June 5, 2010 from 12:00 noon to 5:00 p.m. in the Village Hall.

Vote of the Board: Trustee Worthy – aye

Deputy Mayor Hays – aye
Trustee Hansen – aye
Mayor Stebbins – aye

The motion was passed by a 4-0 vote.

AMEND VOTER REGISTRATION DAY RESOLUTION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Village Voter Registration Day be held on Saturday, June 5, 2010 from 12:00 noon to 5:00 p.m. in the Village Hall and that the Village Election be held on Tuesday, June 15, 2010 from 12:00 noon to 9:00 p.m. in the Village Hall.

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

The motion was passed by a 4-0 vote.

BOARD TRAINING – REQUEST BY PLANNING BOARD

A request was made by Planning Board Chair JoAnn Hanson that in lieu of the 4 hours required training for the Planning Board, that they be allowed to read instead, the book *Aesthetics, Community Character, and the Law* from the American Planning Association. A discussion was held on training requirements for the PB, BZA, and BAR. No decision was rendered on reading the book.

The concensus of the Trustees is that each Board Chair (Planning Board, Board of Zoning Appeals and Board of Architectural Review) and each Board Trustee liaison make an annual recommendation and give a rationale on the recommendation to the Trustees on how their Board will meet their training requirements and the cost of the training.

OLD BUSINESS

LOCAL LAW INTRODUCTORY #2 OF 2010 – RESTRICTION ON THE SITING OF STRUCTURES TO ENSURE THE HAZARD CLASSIFICATION OF VILLAGE DAMS ARE NOT INCREASED THEREBY

PUBLIC HEARING

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the public hearing be opened at 9:30 p.m. The vote was 4-0 in favor.

A discussion was held on the purpose and objective of the law. Also discussed was the role of the Village Engineer in determining the dam certifications.

There were no comments from the public.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the public hearing be closed at 10:00 p.m. The vote was 4-0 in favor.

SEQRA REVIEW - After review and discussion of the Full Environmental Assessment Form, 617.20-Appendix A, the following resolutions were approved.

LEAD AGENCY

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board assume SEQRA Lead Agency with respect to this local law (Introductory #2 of 2010).

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

The motion was passed by a 4-0 vote.

SEQRA DETERMINATION

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board declare this local law (Introductory #2 of 2010) a Type I action under SEQRA.

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

The motion was passed by a 4-0 vote.

NEGATIVE DECLARATION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board make its SEQRA determination of significance as a Negative Declaration, that the adoption of this local law (Introductory #2 of 2010) will not have a significant adverse environmental impact.

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

The motion was passed by a 4-0 vote.

NEW PROPOSED LOCAL LAW REGARDING TREES – A lengthy discussion was held on the revised draft of the proposed tree law, which included a simplified vs. detailed approach.

APPROVE MINUTES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the minutes of the February 11, 2010 Regular Board of Trustees Meeting be approved as amended.

Vote of the Board: Trustee Hansen – aye
Trustee Worthy – 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 Hansen that the minutes of the February 16, 2010 Grievance Day-Board of Assessment Review Meeting be approved as amended.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the minutes of the February 18, 2010 Special Board of Trustees Meeting be approved as amended.

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

The motion was passed by a 4-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$106,744.82 for the General Fund, claim numbers 5-1 to 5-84, \$13,083.89 for the Water Fund, claim numbers W5-1 to W5-15, and \$4,705.00 for Professional Fees, claim numbers PF5-1 to PF5-4 were audited and ordered paid.

ADJOURN TO ATTORNEY-CLIENT SESSION

At 11:45 p.m. Mayor Stebbins announced the Board would be entering an Attorney-Client Session.

Respectfully submitted,

Deborah A. Matthews
Village-Clerk Treasurer