

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JUNE 9, 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 Ken Sanford, Richard Golden, Esq.,
Michele Lindsay, Robert Zgonena , Mary Grimmig, Kathy Norris

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

REPORTS

Mayor Stebbins

Previously we talked about a possible deficit in the General Fund of \$400K by fiscal year end. After using the \$190K budget surplus, it appears the deficit may only be about \$30K. Excluding the surplus, the actual expenditures would have been \$220K over budget. Cash is in line with expectations. The Water Fund is repaying the General Fund \$90K owed from prior years. Progress has been made on financing the infrastructure. The Village will be hiring a new financial advisor and bond counsel to assist with fixed rate borrowing in the bond market. The Village won't be using NYSEFC as they only offered long term borrowing in 2011 and we don't know where the rates will be at that time.

Major infrastructure projects coming up include sewer line repairs and installation of a new water line to replace the one in the Tuxedo Lake Dam to be consistent with the DEC consent order and will begin after Labor Day.

Deputy Mayor Hays

He contacted the DEC to find out the status of the Storm Water Improvement Act application that the Village submitted. The DEC has not made a decision, but they expect to respond in a few weeks.

In regard to phosphates, he has located two companies that do testing. One is the Upstate Freshwater Institute (Syracuse, NY) and the other in Parsippany, NJ, which does solid or liquid tests for \$35 per sample. He feels the expenditure for testing is warranted and spot checking is needed.

He remarked that the Board has worked well together this year and that he would run again if he were younger. He also said it has been great working with Jeff, Ken, John and Debbie and he expressed his thanks to all.

Phosphate Testing – Following Deputy Mayor Hays’ report, a discussion followed on the testing of lawn care companies and local landscapers who bring fertilizers into the Village. No action was taken.

Special Meeting – Mayor Stebbins stated that a special Board of Trustees meeting will be scheduled for Wednesday, June 30th at 7:30 p.m. for the purpose of reviewing and approving Board of Trustees minutes.

Police – Chief Sanford gave an overview of May Police activities. A discussion was again held on the number of false alarms going off throughout the Village. Trustee Hansen will work with Chief Sanford to determine which residents should be sent letters. Also discussed was the issue of TP tags, i.e. tag issuance policy, enforcement of the policy, type of renewal tags, commercial tags, etc.

DPW – Superintendent Voss was not in attendance. DPW report previously circulated.

BUILDING PERMITS

Craig

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the building permit application of Kevin Craig, 23 Ridge Road, Tax Map No. 106-1-58.2, for the change in house paint color, change of front door, and installation of a Belgian block apron as approved by the BAR on May 18, 2010, be approved.

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

The motion was passed by a 4-0 vote.

King

Building Inspector Ledwith presented the building permit application of John King & Doug Duchin, 47 Clubhouse Road, Tax Map No. 107-1-67, for the renovation of the structure located on the property, that was approved by the BAR on June 1, 2010 with the caveat that no Certificate of Occupancy be issued until all requirements for habitability have been met.

In addition, items specified by the BAR at their June 1st meeting regarding the King approval were: 1) prior to the issuance of a building permit, location of water and sewer utilities must be shown on the site plan; 2) prior to the issuance of a Certificate of Occupancy, the owner must submit proof to the Village that the water line to the structure is functional and adequate for intended purpose to the satisfaction of the Water Superintendent; 3) Prior to the issuance of a Certificate of Occupancy, safe electrical service to the site must be satisfactory to the Building Inspector; 4) Prior to the Certificate of Occupancy, the applicant must demonstrate to the Building Inspector that it is in compliance with the State Building Code; 5) access (including parking) to the site for construction/renovation and upon completion shall be in accordance with the May 17, 2010 letter from Architect Tobias Guggenheimer, subject to approval and/or modification by the Building Inspector, in such a manner that will not block or otherwise make

unsafe adjacent roadways; and 6) approval is for an approval for Seasonal Use occupancy only, the specific terms of which will be determined by the Building Inspector.

A lengthy discussion was held on the above items and in particular the parking and possible leasing of a parking space on the triangle. No action was taken on the building permit application as the Board would like to have more information on the project.

Water Department – John Ledwith reported on the status of the water bill Amnesty plan (six Town customers are on the plan and one defaulted), four Town customers were sent shut off notices for non-payment, a Leak Program Application has been submitted to the O.C. Health Department, and he contacted Steve Meehan of SLC Meters to discuss inspecting the water main under Tuxedo Lake for leaks. In addition, the Annual Water Quality Report was mailed to all Village/Town water customers by May 31st.

Committees:

VIAC - Michele Lindsay reported that VIAC had conducted a survey of trees along Tuxedo Road, West Lake Road and East Lake Road. The locations of trees that could pose a threat to road safety were identified. The Board requested that VIAC identify these trees in 3 categories: Village property, private property, and trees that Orange & Rockland might be responsible for cutting.

PUBLIC COMMENTS

Trees - Kathy Norris read a letter from Ann Hu (42 Circuit Road, Tax Map No. 107-1-82) regarding the violation Mrs. Hu received for cutting down a large amount of trees on her property and the correspondence that she has had between herself and the Village attorney. Ms. Norris stated that Mrs. Hu has given the Building Inspector and the Village's arborist permission to enter her property as long as Ms. Norris accompanies them. Mrs. Hu wants to be in compliance with the Village's request for remediation of the tree cutting. A discussion was held.

Recycling – Michele Lindsay is in favor of alternating weeks for recycling.

NEW BUSINESS

HIRE ACTUARY TO MEET GASP-45 REQUIREMENTS IN THE VILLAGE'S AUDITED FY2010 FINANCIAL STATEMENTS

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board approve the proposal dated May 28, 2010 from the firm of Danziger & Markhoff LLP for actuarial services at the agreed fee of \$2,500.

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

The motion was passed by a 4-0 vote.

HIRE BOND COUNSEL

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board hire the law firm of Orrick, Harrington & Sutcliffe LLP as bond counsel for the fixed sum of \$10,000 as outlined in their proposal dated June 9, 2010.

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.

AMEND VILLAGE PROCUREMENT POLICY

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the Board approve the modifications to the Village's Procurement Policy, that was adopted on October 15, 1997, as drafted with the changes discussed, those being all amounts of \$4,000 be increased to \$5,000 and the bidding threshold for DPW contracts be increased from \$20,000 to \$35,000 in order to be in line for the recently modified State limits.

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

The motion was passed by a 4-0 vote.

SEWER LINE REPAIRS

Weston & Sampson issued an RFP for the televising and repair of the Village sewer line located near the 103 West Lake Road residence and received two quotes. One quote was from Lash Engineering for \$32,800 and the other from Sewer Fitters in the amount of \$57,900. Even though the work could be classified as an emergency repair, the Board will ask Weston & Sampson to reissue an RFP/Specs and obtain a total of at least three quotes for comparison as the two received may not be comparing equivalent materials and warranties.

VILLAGE VS TOWN ASSESSMENT OF PROPERTIES

Trustee Hansen distributed a letter that he addressed to the Trustees in which he compares the advantages/disadvantages of using the Town of Tuxedo's Assessor for Village tax purposes. He is in favor of using the Town's Assessment Roll. A discussion followed. No action was taken.

OLD BUSINESS**LOCAL LAW INTRODUCTORY #3 OF 2010 – TREES**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that a public hearing be scheduled for June 23, 2010 at 7:30 p.m. on Local Law Introductory #3 of 2010-Restricting Tree Cutting, Topping and Removal.

Vote of the Board: Trustee Pompan – aye
Trustee Hansen – no
Deputy Mayor Hays – aye
Mayor Stebbins – aye

The motion was passed by a 3-1 vote.

UNCONTAMINATED SOIL STORAGE

Mayor Stebbins stated that he has been in contact with Lou Heimbach, Sterling Forest, regarding possible storage space rights on the Sterling property adjacent to the Village sewer plant. Another alternative is to have the Village land inside the sewer plant fence prepared and store the NYSDEC certified clean soil there. The Board concurred that a written agreement between the Village and Metra Industries be prepared and signed and also verification that there will be no transportation cost. Upon receipt of the agreement, arrangements will be made to transport as much soil as deemed appropriate.

INCREASE VILLAGE BOND OFFERING

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the Board of Trustees use the Capital Budget for the formulation of the Village's Official Statement and that it is implicitly implied that the proposed new bond financing will be \$1.5 million subject to the final definitive terms being laid out in such a manner that must be congruent with this.

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

The motion was passed by a 4-0 vote.

APPROVE MINUTES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Hays that the minutes of the March 10, 2010 Board of Trustees Meeting be approved as amended.

Vote of the Board: Trustee Pompan - aye
Deputy Mayor Hays – aye
Mayor Stebbins – aye
Trustee Hansen – abstain (did not attend the 3/10/10 meeting)

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

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the minutes of the March 23, 2010 Special Board of Trustees Meeting be approved.

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.

AUDIT OF CLAIMS - Bills in the amount of \$195,502.15 for the General Fund, claim numbers 6-1 to 6-80, \$30,905.31 for the Water Fund, claim numbers W6-1 to W6-19, and \$5,154.00 for Professional Fees, claim numbers PF6-1 to PF6-3 were audited and ordered paid.

ADJOURN TO ATTORNEY-CLIENT SESSION

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board adjourn to Executive Session at 1:15 a.m. to discuss Building Department issues, employee matters and litigation. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village-Clerk Treasurer