

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
NOVEMBER 16, 2011  
7:00 P.M.**

Present: Mayor Thomas Wilson  
Deputy Mayor David du Pont  
Trustee Alan Heywood  
Trustee Liane Neuhauser

Absent: Trustee Robert Zgonena

Clerk: Deborah A. Matthews

Also: John Ledwith, Chief Ken Sanford, Jeffrey Voss, Richard Golden, Esq.  
Meg Vaught, Tom Salierno, Mary Grimmig, Kathy Norris, Jim Hays,  
Jake Matthews, Dennis Lynch, Esq., Kevin & Sue Niblo, John Ferraro (Architect)

Mayor Wilson opened the meeting at 7:00 p.m. Trustee Neuhauser led the Pledge of Allegiance.

**Mayor's Update**

Town & Country Magazine has completed their article about the 125<sup>th</sup> anniversary of the tuxedo and Tuxedo Park.

Storm power loss cleanup will begin on November 21<sup>st</sup>. The Village has hired Ornamental Tree to help clean up fallen limbs along the Village roads. Homeowners are responsible for cleaning up their own property. Landscapers will be allowed to work on Saturdays from 8am-5pm through November 30<sup>th</sup>.

Two 30-yard dumpsters have been placed across from the DPW Shop for the disposal of leaves. Leaf disposal is free to residents who do their own cleanup and \$18 per cubic yard for landscapers and/or contractors who deposit leaves.

The goal is to have a generator for the Village Office and the Police department operational by the end of December.

A storm water runoff plan is being worked on for damage prevention.

A new Police Contract will be discussed later in the meeting.

New features will be discussed for the Village Website.

Residents are reminded that hunting season runs from November 19<sup>th</sup> through December 11<sup>th</sup>.

**Police Update** – Chief Sanford gave a synopsis of October Police activities.

**DPW Update** – Superintendent Voss asked the Board to appoint Daniel Jones to replace Dennis Jones, DPW Motor Equipment Operator, who is out on medical leave. He advised the Board that a portable generator is needed for the Mt. Farm Road and Turtle Point Road pump stations to keep them operating during a power outage.

**Building Department Update**Voldstad and Parr

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the building permit application of Monica & Conrad Voldstad, Tax Map No. 103-1-20, for tree pruning and removal as approved by the BAR be approved; and the application of Gary Parr, Tax Map No. 105-1-20.1, for the installation of driveway gates as approved by the BZA and BAR be approved.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a 4-0-0 vote.

Neuhauser

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the building permit application of Charles & Lili Neuhauser, Tax Map No. 107-1-56, for the replacement of brick terrace stones with bluestone and the installation of copper gutters as approved by the BAR be approved.

Vote of the Board: Trustee Heywood – aye  
Deputy Mayor du Pont – aye  
Mayor Wilson – aye  
Trustee Neuhauser – abstain

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

Generator

A discussion was held on the size requirement, cost, and the estimates received for a generator for the Village Office. It was agreed that a generator for the Police Department and the Village Office are a high priority for the Village because of public safety issues during storms and power outages.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the purchase of two 20-K generators with installation not to exceed \$7,000 each and also approve the installation of a 500 gallon below ground propane tank for the Village Office generator not to exceed \$3,600.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a 4-0-0 vote.

**Appointments**DPW

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the appointment of Daniel Jones, Sr., Greenwood Lake, NY, as a Motor Equipment Operator (MEO) in the DPW at the rate of \$28.21 per hour as per the DPW contract, effective November 21, 2011 and subject to an interview conducted by Deputy Mayor du Pont and his subsequent recommendations.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a 4-0-0 vote.

Police – Part Time Police Officer

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the appointment of David Yates, Warwick, NY, (who is currently a part time Traffic Guard and has graduated from the Police Academy) as a part time Police Officer at the rate of \$20.80 per hour, effective December 1, 2011.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a 4-0-0 vote.

Police – Part Time Traffic Guard

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the appointment of Gregory Hart, Greenwood Lake, NY, as a part time Traffic Guard at the rate of \$13.50 per hour, effective November 22, 2011.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a 4-0-0 vote.

Committee Updates

Public Comment

**Niblo Application**

On behalf of Kevin & Sue Niblo, their Attorney Dennis Lynch requested the Board of Trustees grant his clients a waiver from connecting to municipal water and sewer services, as is required by the Village Code, and allow them to drill a well and install a septic system on their property located on Cliff Road, Tax Map No. 106-1-65. A discussion was held.

The Board of Trustees determines a finding of hardship for the Niblo property located on Cliff Road and approves an alternative septic system in lieu of connecting to the municipal sewer system and the drilling of a well as an alternative potable water source in lieu of connecting to the municipal water system, subject to review by the Village engineer and the release of liability to the satisfaction of the Village Attorney.

**Authorization for an Alternate Water Supply System and Alternate Sewage Disposal System for the Niblo Property Located on Cliff Rd. (Tax Map Section 106, Block 1, Lot 65)**

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the following resolution to allow Mr. & Mrs. Niblo a waiver from the requirements of

the Village Code regarding connecting their proposed new home to Village water and sewer services:

WHEREAS, an application was made to the Village Board of Trustees by Kevin and Sue Niblo, requesting that the Board of Trustees authorize alternative water supply and sewage disposal systems for their proposed new residence on Cliff Rd. in accordance with Village Code Sections 97-11 and 78-5, and

WHEREAS, the Village Board of Trustees considered the Niblo request at its meeting on November 15, 2011, during which the Niblos presented factual information in support of their claim that it would be an extreme hardship for them to connect their property to the Village water and sewage systems,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby grants the Niblo property relief from the otherwise mandatory requirements of Village Code Sections 97-11 and 78-5 that the Niblo property connect to the Village water and sewage systems, and authorizes alternative private and individual water supply and sewage disposal systems on their property, as (i) the substantial cost to construct the necessary connections to the Village systems, (ii) the substantial physical alteration to the natural terrain necessary to connect to the Village systems, and (iii) the lack of reasonable accessibility to the Village sewage system without traversing other adjacent private properties that had not acceded to the Niblos request for access, necessitates a finding of an extreme hardship pursuant to Village Code Sections 97-11 and 78-5, and

BE IT FURTHER RESOLVED that the above authorization of alternative private water supply and sewage disposal systems for use only for the Niblo property is conditioned upon the following:

1. Site plan approval by the Village Planning Board (including the location of the systems on the Niblo property).
2. Satisfaction of the Village Engineer as to the design and functionality of the alternative systems.
3. A Release from the Niblos to the Village as to the consequences and risks of the Niblos' failure to connect to the Village water supply and sewage disposal systems, subject to the satisfaction of the attorney for the Village.
4. Compliance with the provisions of Village Code Sections 78-9 and 97-11.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

### **Approve Gary Rich Land Survey**

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the proposal of Gary R. Rich, Licensed Land Surveyor, Pine Bush, NY, for survey work to be performed for the establishment of drainage improvements and to include: 1) boundary lines along Continental

Road and Clubhouse Road at a cost of \$1500, 2) preparing a site plan and topography of the outlined areas at a cost of \$1800, and 3) preparation of easement maps with meets and bounds descriptions at \$400 per easement.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

### **Approve Police Contract**

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the Memorandum of Agreement for the two-year Police Contract (June 1, 2011-May 31, 2013) for the Full Time Police Officers as negotiated between the Village and the PBA dated November 11, 2011.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

### **Fence Law**

A discussion was held on the status of the Village Code (Article 49) regarding fences, the recent construction of unapproved fences and gates, the need to update the Code through a local law, and the procedures for passing a local law. Trustee Neuhauser will contact BAR Chair Paola Tocci and get her feedback. The goal is to pass the local law by February 2012.

### **Levy Unpaid Village Tax Bills to Orange County**

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Village Clerk be authorized to send to the County of Orange Commissioner of Finance the attached list of unpaid 2011-2012 Village taxes in the amount of \$174,719.81 for levy onto the January 2012 Town/County Tax Bill. (A copy is attached.)

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

### **Appoint Fire Commissioner**

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board appoint Gardiner Hempel as a Fire Commissioner for the Tuxedo Joint Fire District for a five year term beginning January 1, 2012.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

**Orange County Tax Exemption – Water Facility Located in the Town**

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Village of Tuxedo Park request from the County of Orange the exemption of County Taxes on Village water facilities located in the Town of Tuxedo known as Section 13-3-12 (on Mountain Road) for the year 2013.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

**Approve Minutes**

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the minutes of the October 19, 2011 Board of Trustees meeting be approved.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

**Website**

Mayor Wilson discussed items that will be added to the Village website and showed the Board, using an iPad, the website appearance and available options by using a new host provider for the website.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the annual subscription to the 'Government Outreach Software Service GOREquest-Lite' at a cost of \$1,000 per year, subject to satisfactory review by the Village Attorney, the agreement being signed by the Village, and subject to annual review.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Village Website be updated with the prototype seen tonight and to be implemented by November 19<sup>th</sup>, including the switching of hosting providers to "Go Daddy", not to exceed a cost of \$2,000.

Vote of the Board: 4 ayes, 0 nays, 0 abstentions

The motion was passed by a vote of 4-0-0.

**Audit of Claims** - Bills in the amount of \$361,946.30 for the General Fund, claim numbers 11-1 to 11-87; \$15,539.19 for the Water Fund, claim numbers W11-1 to W11-14; \$7,331.27 for Capital

Projects, claim number CP11-1; and \$4,133.64 for Professional Fees, claim numbers PF11-1 to PF11-4 were audited and ordered paid.

**Adjournment**

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the meeting be adjourned at 8:50 p.m. The vote was 4-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer