

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
FEBRUARY 16, 2011  
7:30 P.M.**

Present: Mayor Houston Stebbins  
Deputy Mayor Pompan  
Trustee Christopher Hansen  
Trustee Thomas Wilson  
Trustee Robert Zgonena

Also: Chief Sanford, DPW Superintendent Jeff Voss, Peter Regna, Jennifer Cacioppo, Susan Goodfellow, and others.

Clerk: John C. Ledwith IV

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

## **REPORTS**

### Mayor Stebbins

Despite the lowering of many assessments by the Village Assessor, many grievances were received at the Grievance Board of Assessment Review meeting held last night, February 15<sup>th</sup>. The meeting was adjourned to a later date where the Board will continue to review the grievances submitted and render a decision within the next 30 days.

A departmental budget workshop will be held on February 17<sup>th</sup> in the Village Hall beginning at 7:30 p.m. to review tentative budgets submitted by the Police, DPW, Water, and Village Office. The Village's deer management program is getting underway but icy conditions have delayed some of the preliminary activities. The Village received one permit from the DEC and is awaiting another. Residents participating in the program will be notified with specific details as the program moves forward.

Village Engineer Rich Messer will attend the meeting later on to give an update on the on-going infrastructure projects in the Village, and he encouraged audience members to remain for the report.

### Deputy Mayor Pompan

Reiterated that the Board will hold a budget workshop tomorrow night. This meeting will be the beginning of the process for next year's budget, and he encouraged residents to attend.

The new proposed tree law will be presented later in the meeting.

Police – Chief Sanford gave an overview of January Police activities. He also reported he will soon have TP Tag samples for the Board to review; CodeRed registration is going well with about 60 residents signed on to date and a test call will be sent out on Friday; and he asked the Board to appoint Nicholas Vega to fill the part time Police Officer position that became vacant when part time Officer Ryan Eirand was hired as a full time Police Officer.

DPW - Superintendent Jeff Voss reported the following: The sand and salt supply is almost depleted due to use in all the snow and ice storms; the new dump truck has been delivered to the

vendor for installation of the body and snow plow and should be ready in a few weeks; the new low lift pump for the water plant has been installed; the new screen washing system has been installed at the sewer plant and will save on the use of processed water.

#### Building Department and Water Department

John Ledwith gave an over overview of his report that included issues for both departments. For *Building*: 1) Notice to Tuxedo Club-abandoned vehicle; 2) Boat storage in front yard of a residence; 3) Meeting needed with Trustee liaison. For *Water*: 1) Uncollected water bill balance for Town-\$29,845 and Village-\$19,980; 2) Late notices were sent 2/10 for return payment due by 3/1; 3) List of meters needing repair give to Water Dept.; 4) Meeting needed with Trustee liaison. For *Utilities*: 1) Energy savings audit-he met with reps and gave the Board a detailed summary of an interior lighting energy grant that he will be submitting to Orange County; 2) Contacted O&R about removing unused poles, street lights that are out, and electrical upgrade issues; 3) Contacted Verizon and Cablevision about moving their wires onto new poles that were installed. For *General Issues*: 1) Sanitation/recycling schedule change set up with Sterling Carting; 2) Worked with Village attorney on tax certiorari analysis; and 3) Worked with the Mayor on obtaining Village resident deer culling authorization forms. A copy of the report is attached.

Committee Reports – None

#### **PUBLIC COMMENTS**

Speaker: Peter Regna

Comment: Asked where the Village stands on the Hanson litigation and whether there is new information. He thanked the Board for their position and is proud they have stuck it out on behalf of the Village.

#### **NEW BUSINESS**

#### **TREE COMMITTEE REPORT**

Deputy Mayor Pompan, as liaison to the Tree Committee, reported that a proposal had previously been before the Board but was withdrawn after receiving a negative response from the community. As a result, a Tree Committee was formed with the intent of having residents participate in the process. The Committee members are Jennifer Cacioppo as Chair, Susan Goodfellow, Joe McCann, Tamer El-Rayes and Anne Madden.

Jennifer Cacioppo stated the goals of the proposed tree ordinance include: 1) Protect the watershed in keeping with NYS watershed laws, as determined by the NYSDEC and NYS Department of Health; 2) Allow residents to remove trees without seeking a permit for the allowable annual number as well as provide through a formal permitting process the ability for residents to remove an additional number of trees within their property; 3) Establish clean linkage to appropriate industry guidelines and standards of practice for tree removal; 4) Ensure enforcement of the Tree Ordinance to be fair and consistently applied. She proceeded to cite specific recommendations and examples. A copy of the report is attached.

A discussion followed.

**SALARY OF FULL TIME POLICE OFFICER RYAN EIRAND**

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the resolution made at the January 19, 2011 Board of Trustees meeting appointing Ryan Eirand as a full time Police Officer, effective February 1, 2011, be amended to specify his starting salary at the recruit level of \$51,284 per year as specified in the current PBA contract.

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

The motion was passed by a 5-0 vote.

**APPOINT PART TIME POLICE OFFICER**

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Board of Trustees appoint Nicholas Vega, effective February 17, 2011, as a part time Police Officer for the Village of Tuxedo Park at the prevailing wage rate for such officers, being \$20.80 per hour.

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

The motion was passed by a 5-0 vote.

**RINO PAVING & CONSTRUCTION REIMBURSEMENT**

During the leak detection program last spring, Rino was charged with repairing a leak that was believed to be on their property. When they did the excavation early this winter, it was discovered the leak was actually from the Village's water main, and they are seeking reimbursement for their repair expense.

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Board authorize payment up to \$3,000 to Rino Paving & Construction for reimbursement of water main repairs.

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

The motion was passed by a 5-0 vote.

**TERMS OF EMPLOYMENT FOR DPW SUPERINTENDENT**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the following resolution be approved mandating that the Superintendent of the Village Department of Public Works reside within the Village in housing located on Village property:

WHEREAS, the Village is owner of certain property in the Village located at 1 Chastellux Lane, Tuxedo Park, and known on the Village Tax Maps as Section 105, Block 1, Lot 45 (the "Premises"), that is improved by a Village water treatment plant and a building that contains both water intake pumps for the treatment plant and a residence, and

WHEREAS, the Village Board of Trustees has determined that it is in the Village's best interest and convenience to have the Superintendent of the Village Department of Public Works to reside on the Premises and be available for duty at all times so as to best tend to the maintenance and oversight of the water intake pumps and treatment facility that are essential to the health and safety of Village residents,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby imposes a requirement that the Superintendent of the Village Department of Public Works must reside in the Village owned housing on the Premises as a condition of employment, and

BE IT FURTHER RESOLVED that such housing on the Premises will be provided to the Superintendent and his immediate family, without any charge for rent or utilities, and without any right to sublease, assign or otherwise transfer such interest in the Premises, for so long as he remains Superintendent of the Village Department of Public Works, or until such time as the Village Board of Trustees may otherwise determine upon giving 180 days notice, and

BE IT FURTHER RESOLVED that only housing is being provided to the Superintendent as a benefit; all meals will be at the Superintendent's own cost, and

BE IT FURTHER RESOLVED that the above noted obligation of the Superintendent to reside at the Premises shall commence on February 1, 2011, and the Mayor is authorized to sign any letter agreement or lease consistent with this Resolution.

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

The motion was passed by a 5-0 vote.

**ENGINEER'S REPORT BY WESTON & SAMPSON**

Engineer Rich Messer gave an overview of the Village projects as follows:

Completed: 1) Sewer Plant maintenance building foundation repairs; 2) Chlorine building repairs; 3) Waste water flow meter replacement/modifications; 4) Waste water screen spray modifications; 5) Tuxedo Lake Dam water line relocation on West Lake Road; 6) East Lake Road and wall; 7) DPW facility design sketches; 8) Sewer System Evaluation Survey (SSES) Phase I; and 9) Clarifier cover for waste water treatment plant.

Planned for 2011: 1) Clubhouse Road water main replacement; 2) Sewer System Evaluation Survey (SSES) Phase II & III Investigation & Remediation; 3) Tuxedo Road guide rails; Emergency Action Plan (EAP) for Pond #3 and Wee Wah dams; 4) Warwick Brook bridge repair; 5) Water distribution audit to identify losses; 6) Water system booster pump station review; and 7) Salt Shed.

Future Projects: 1) Upper Clubhouse Road water main; 2) East Village water supply main; 3) Water quality improvement program application-lakes; 4) Wee Wah Dam; 5) Water system cross connections & backflow prevention; and 6) Fire hydrant condition plan.

A discussion followed.

### **WEST LAKE ROAD WATER MAIN PROJECT**

Engineer Rich Messer detailed the progress of the water main project as well as change orders, time extension, fire hydrants, and the disagreement by Colonnelli Bros. (the contractor) over cost variances. A discussion was held.

A motion was made by Mayor Stebbins, seconded by seconded by Trustee Zgonena that the Board approve Amendment No. 2 to the Contract for Design and Construction Phase Engineering Services for Water Line Relocation-West Lake Road Project, Add Alternate for Clubhouse Road, between the Village of Tuxedo Park and Weston & Sampson as discussed and outlined in the Weston & Sampson letter of January 10, 2011 at an estimated cost of \$39,500.

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

The motion was passed by a 5-0 vote.

### **O'BRIEN & GERE ENGINEERING CONTRACT**

A discussion was held regarding the letter received from O'Brien & Gere dated November 23, 2010 regarding the proposed dam breach analyses for Pond #3 and Wee Wah Lake dams. The analyses will include the dam breach modeling and inundation mapping that must be included in the Emergency Action Plan for these dams.

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the Board approve the O'Brien & Gere Dam Breach Analyses for Pond #3 and Wee Wah Lake Dams as specified in their cover letter of November 23, 2010 in the lump sum amount of \$6,500.

Vote of the Board: Trustee Zgonena – aye  
Trustee Hansen – aye  
Trustee Wilson – aye  
Deputy Mayor Gerard Pompan – aye  
Mayor Stebbins – aye

The motion was passed by a 5-0 vote.

## **OLD BUSINESS**

### **PROPOSED HOME OCCUPATION LAW AND SET PUBLIC HEARING DATE**

A motion was made by Trustee Hansen, seconded by Deputy Mayor Pompan that a public hearing on proposed Local Law Introductory #1 of 2011 (Eliminating Home Occupations as a Special Permitted Use in the Village), amending Chapter 100 of the Village Code, be scheduled for Wednesday, March 16, 2011 at 7:30 p.m.

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

The motion was passed by a 5-0 vote.

## **APPROVAL OF MINUTES**

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that the minutes of the December 10, 2010 Board of Trustees meeting be approved as amended.

Vote of the Board: Trustee Wilson – aye  
Trustee Zgonena – aye  
Deputy Mayor Pompan- aye  
Trustee Hansen – abstain  
Mayor Stebbins – aye

The motion was passed by a vote of 4 ayes and 1 abstention.

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the minutes of the January 19, 2011 Board of Trustees meeting be approved as amended.

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

The motion was passed by a vote of 4 ayes and 1 abstention.

**APPROVE BUILDING PERMIT – DONALD HANSON**

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Board approve the building permit for Donald Hanson pursuant to the renovation/construction project on his home on 4 Tower Hill Road, Tax Map No. 107-1-24.

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

The motion was passed by a 5-0 vote.

**AUDIT OF CLAIMS** – Bills in the amount of \$188,590.28 for the General Fund, claim Numbers 2-1 to 2-100, \$21,262.27 for the Water Fund, claim numbers W2-1 to W2-17, \$21,232.22 for Capital Projects, claim numbers CP2-1 to CP2-2, and \$2,376.48 for Professional Fees, claim numbers PF2-1 to PF2-3 were audited and ordered paid.

**ADJOURN TO EXECUTIVE**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board adjourn to Executive Session at 11:05 p.m. to discuss a Village personnel matter and litigation. The vote was 5-0 in favor.

Respectfully submitted,

John C. Ledwith IV  
Deputy Village Clerk-Treasurer