

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MAY 18, 2011
7:30 P.M.**

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

Clerk: Deborah A. Matthews

Also: John Ledwith, Chief Sanford, Alan Heywood, David duPont, Mary Graetzer, Nancy Hays, Chris Sonne

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

REPORTS

Mayor Stebbins

Announced that all nominating petitions for the Village Election were filed the day before, on Tuesday, May 17th. He welcomed Tom Wilson and Mary Jo Guinchard as candidates for Mayor and Alan Heywood, David duPont and Cami Fischer as candidates for two open Trustee positions. He thanked them for their commitment to public service.

The Tuxedo Club celebrated the 125th anniversary of its founding and Mayor Stebbins declared May 7th as Tuxedo Club Day in the Village.

In regard to the Tuxedo Lake Dam project, the DEC granted a six-month extension in order to complete the necessary grouting work. No penalties will be incurred for missing the May 31st deadline.

Last week the Village signed an agreement between the Tuxedo Club and the Village. The agreement specifies the roles and responsibilities of each party in relation to the Tuxedo Lake Dam. Bad weather delayed work on the Wee Wah Dam by Legacy Stoneworks. Best efforts will be made to get the lake level in the Wee Wah back to normal as soon as possible.

Weston & Sampson is working on an RFP for the Mountain Farm pump station. Next month the Village will solicit for RFPs and set a bid opening date.

The Village's financial condition remains favorable with year to date expenses at 85.7% with 95% of the budget year having passed. The General Fund cash position totals \$1,453,000 compared to \$884,438 last year. The Capital Projects Fund balance totals \$967,000.

Deputy Mayor Pompan

He stated that his term as Trustee has been rewarding. He wished all candidates well, and in his view, the level of competition supports a healthy election.

Police Report – Chief Sanford gave an overview of March Police activities. A discussion was held on installing a video camera at the front gate that would record activity without using a hard drive and automatically recycle the tape every 36-48 hours. Also discussed was increased security devices at the Village Office.

DPW – A discussion was held on the Clubhouse Road water line project being done by Colonnelli Brothers as well as the finalization of outstanding items on the West Lake Road water line.

Water Department & Miscellaneous

John Ledwith reported: 1) Water termination letters were sent to 11 Town accounts, which have been delinquent for more than three billing quarters; 2) Only 4 responses were received to 28 letters mailed to Village residents regarding the sewer inflow reduction program; 3) Energy savings work, audit, and grant have been completed; 4) He repaired the flag mechanism at the front gate; 5) He's in the process of repairing the windows on the top floor of the old Police station; and 6) A resolution is needed by the BOT to levy unpaid Village water accounts to their 2011 Village tax bills.

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that unpaid water bills totaling \$10.00 or higher of Village residents be levied onto their 2011 Village Tax bill in accordance with the schedule provided.

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

The motion was passed by a 5-0 vote.

Building Department

Building Inspector John Ledwith requested the \$15,000 road bond, held by the Village for 10 years for future development of Cliff Road, be returned to contractor Randy Miller as per the agreement made when he constructed what is now the Buckminster house on Cliff Road.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the \$15,000 road bond held by the Village be returned to Randy Miller.

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.

A discussion was held on the violation letters the Building Inspector sent to: 1) Mr. Hurley regarding his open foundation and standing chimneys; 2) Ms. Hartman-Ting regarding her porch and trees; and 3) Tuxedo Park Estates for trees along Tuxedo Road.

Advisory Committee

VIAC – Alan Heywood announced the addition of two new members, Uli Pendl and Joe McCann, to the Committee. He reported that O&R has started to take down some of the trees designated by the committee, which are in jeopardy of damaging power lines. The issue of speeding on Village roads was also raised.

PUBLIC COMMENTS

Speakers: Trustee Zgonena, as a Village resident and Trustee, in reference to the upcoming Village Election, stated that he strongly supports the democratic process and that his signature or lack thereof on any candidate's petition does not signify his endorsement of anyone in particular. He looks forward to a healthy and fair election.

WEE WAH BEACH CLUB

A discussion was held on the requests for improvements to the beach club area and the annual \$5,000 license fee paid to the Village.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan, that the Village make a capital expenditure of \$5,500 in the Wee Wah Beach Club to cover the expense of \$5,000 for beach sand and \$500 for bathhouse paint, tree spraying and fertilizing.

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 FULL TIME POLICE OFFICER

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that Michael Taback, transferring from the Monticello Police Department, be appointed to the position of full time Police Officer at a salary of \$51,284 per annum, effective June 1, 2011, with a 26 week probationary period.

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

The motion was passed by a 5-0 vote.

A discussion was held regarding NYS Retirement System pension contributions and retirement benefits.

REQUEST FOR A PERMIT FOR TUXEDO HISTORICAL SOCIETY EVENT IN SEPTEMBER

A brief discussion was held regarding the Historical Society's request to hold an event in September 2011. It will be discussed in greater length in Executive Session and voted on upon reentering Regular Session.

ADVERTISE BID FOR EXCAVATOR AND SET BID OPENING DATE

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Village Clerk be authorized to advertise for bids for an 18,500 lb. hydraulic excavator on May 25th with a bid opening date of June 8th at 2:00 p.m.

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

The motion was passed by a 5-0 vote.

DECLARE DPW EXCAVATOR AS SURPLUS

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the current DPW excavator be declared surplus equipment when the new excavator is delivered.

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.

DECLARE 1999 CHEVY DUMP TRUCK AS SURPLUS

A motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the DPW 1999 Chevy Dump Truck be declared surplus equipment and that it be advertised for bid or offered for sale at a minimum price of \$15,000.

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

The motion was passed by a 5-0 vote.

DONATE UNUSED 1994 JEEP CHEROKEE (NIL VALUE) TO FIRE DEPARTMENT

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the 1994 Jeep Cherokee, having a nil value, be donated to the Tuxedo Joint Fire District for use in their training exercises.

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

The motion was passed by a 5-0 vote.

TUXEDO CLUB REQUEST TO HOLD FIREWORKS DISPLAY

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Board approve the request of the Tuxedo Club to hold their fireworks display on July 3, 2011 at about 9:30 p.m. with a rain date of July 5, 2011.

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.

BUDGET TRANSFERS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the budget transfers as outlined in the schedule prepared by Village Clerk Debbie Matthews.

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

The motion was passed by a 5-0 vote.

TRANSFER \$150,000 FROM THE GENERAL FUND TO CAPITAL PROJECTS

A discussion was held regarding the transfer of \$150,000 from the General Fund to Capital Projects which would add to the available funds for the ongoing projects. A motion was made, seconded, and withdrawn. It was decided that because funds could not be transferred back to the General Fund, it would not be prudent to do a transfer at this time.

TRANSFER \$120,000 FROM WATER FUND TO WATER CAPITAL IMPROVEMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that \$120,000 cash be transferred from the Water Fund checking account into the Water Capital Improvement savings account.

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.

TRANSFER \$30,027 FROM WATER FUND TO GENERAL FUND

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that \$30,027 cash be transferred from the Water Fund checking account into the General Fund checking account for the purpose of paying off the Water Fund's equivalent outstanding balance owed to the General Fund.

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

The motion was passed by a 5-0 vote.

VILLAGE BOAT CLUB LICENSE FEE

A discussion was held on the improvements the Village Boat Club has made to the docks and beachfront property at the water plant area which total about \$53,000. However, because it's a private club that utilizes Village property, a license fee should be paid to the Village as is done by the Wee Wah Fishing Club and Wee Wah Beach Club. Also discussed were the boat stickers of VBC boats and permit revenue. Mayor Stebbins suggested that Trustee Wilson negotiate the license fee with the Village Boat Club.

HIRE TITLE SEARCH FIRM OF HARDENBURGH ABSTRACT

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the title search firm of Hardenburgh Abstract, Goshen, NY, be hired by the Village and used to address, in part, matters relating to properties adjoining the Village dams.

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.

WESTON & SAMPSON REQUEST FOR ADDITIONAL FUNDS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the request for \$19,500 for additional time spent dealing with the neighbors and the contractor on the Clubhouse Road project be deferred, and that Weston & Sampson be asked to provide a bill for time and materials already incurred, and then back up their request with detail on an additional budget request.

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

The motion was passed by a 5-0 vote.

A motion was made by Mayor Stebbins, seconded by Trustee Hansen, that the Board approve Weston & Sampson's request for \$4,700 for additional time spent on the guide rail project.

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.

APPROVE GUIDE RAIL DESIGN

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the guide rail design of the wood beveled square rail with pointed post in accordance with the indicated drawing as provided by American Timber & Steel for a total of 3,420 linear feet for an estimated price of \$331,398.

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.

ADVERTSE BID FOR GUIDE RAIL MATERIALS AND SET BID OPENING DATE

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Village Clerk be authorized to advertise bid for the Tuxedo Road guide rail materials on May 31st with a bid opening date of June 14th at 2:00 p.m.

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.

RACE TRACK PRESERVATION

A lengthy discussion was held regarding the option of declaring the Race Track as Parkland or obtaining an Orange County Conservation Easement, the pros and cons. The matter will be further discussed in attorney-client session.

REVIEW DRAFT OF TREE LEGISLATION

Trustee Hansen reviewed and commented on the proposed draft tree legislation. A discussion was held and it was agreed that because of the late hour and time needed for further review, a separate session be held for the tree legislation.

MINUTES – Approval of the April 6th and April 20th BOT minutes was deferred.

AUDIT OF CLAIMS - Bills in the amount of \$118,663.37 for the General Fund, claim numbers - 5-1 to 5-85, \$13,305.77 for the Water Fund, claim numbers W5-1 to W5-15, \$84,482.57 for Capital Projects, claim numbers CP5-1 to CP5-2, and \$3,642.23 for Professional Fees, claim numbers PF5-1 to PF5-7 were audited and ordered paid.

ADJOURN TO ATTORNEY-CLIENT MEETING

A motion was motion was made by Mayor Stebbins, seconded by Trustee Zgonena that the Board enter into an attorney-client meeting at 11:05 p.m. The vote was 5-0 in favor.

REOPEN REGULAR MEETING

A motion was made by Mayor Stebbins, seconded by Trustee Wilson that the Board reopen regular session at 1:10 a.m. The vote was 5-0 in favor.

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

The motion was passed by a 5-0 vote.

TUXEDO HISTORICAL SOCIETY REQUEST

A motion was made by Mayor Stebbins, seconded by Trustee Pompan that a permit be granted to the Tuxedo Historical Society to hold their requested event September 24, 2011.

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

The motion was passed by a 5-0 vote.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Trustee Hanson that the meeting be adjourned at 1:15 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer