

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
JUNE 15, 2011
7:30 P.M.**

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

Absent: Trustee Robert Zgonena

Clerk: Deborah Matthews

Also: John Ledwith, Chief Ken Sanford, Jeff Voss, Richard Messer (W&S),
David du Pont, Mary Grimmig, Sheila Pompan, Uli Pendl, Alan Heywood, Joan
Alleman, Jim & Nancy Hays, Meg Vaught, Peter Regna, Mary Jo Guinchard, Lesley
deVore

Mayor Stebbins called the meeting to order and led the Pledge of Allegiance.

REPORTS

Mayor

Mayor Stebbins announced that a special Trustees meeting was held earlier in the month to expedite the purchase of a new DPW excavator costing \$93,000 and it's financing under a 5-year note at 2.5%. The DPW old excavator will be sold for \$14,000.

Over the past three years, completing infrastructure projects and capital budgeting has been the Board's top priority. Weston & Sampson will give a report on the projects later in the meeting. He suggested some topics for the incoming Board to consider: Continue the search for the 48% water projection loss; lower the Village speed limit to 25mph for trucks; more frequent use of the GPS unit and inputting of information relative to the Village's digital overlay maps; drafting a new tree law; and investigating how to lower the Village's healthcare costs.

Tentative 5/31/11 YE figures show a General fund surplus of \$300,000. The May 2011 General fund cash totaled \$1,268,000 compared to \$776,000 for May 2010.

Mayor Stebbins expressed his gratitude to the residents who have been supportive and helpful to the Village over the past four years of his mayoral term. He commented that both volunteerism and public service are essential for keeping Village operations functioning normally. He also thanked the Administration staff of Debbie Matthews, John Ledwith, Jeff Voss and Chief Sanford for their efforts on behalf of the Village and their help and support during his terms as Mayor.

Deputy Mayor

Deputy Mayor Pompan echoed the Mayor's comments. He also recognized the Administration staff as well as Attorney Rick Golden for all their efforts. In addition, he gave recognition to former Trustee Jim Hays and Charlotte Worthy, as well as the current Trustees and Mayor. He stressed the importance of listening to the community, both vocal and silent, when making Board decisions.

He also thanked his wife for her support throughout his term as Trustee and Mayor.

Police – Chief Sanford gave an overview of the May Police activities. The DOT held a checkpoint within the Village of commercial vehicles. He thanked the Mayor and outgoing Trustees for all the tireless hours they put in as Board members.

DPW – Superintendent Voss thanked the Board for all they have done for the DPW. The new excavator is being delivered next Thursday.

Water Department – John Ledwith reported: Letters were sent to terminate water service at eleven town accounts and second quarter water bills are scheduled to go out on July 1st.

BUILDING PERMITS

Madden

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the building permit application of Sean & Anne Madden, 24 Tower Hill Loop, Tap Map No. 107-1-1, for basement and landscape renovation as approved by the BAR be approved.

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

The motion was passed by a 4-0 vote.

Craig

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the building permit application of Kevin Craig, 23 Ridge Road, Tax Map No. 106-1-58.2, for a Belgian block driveway apron as approved by the BAR be approved.

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

The motion was passed by a 4-0 vote.

Zgonena

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the building permit application of Robert Zgonena, 18 Ridge Road, Tax Map No. 106-1-57.2, for installation of front and rear shed dormers as approved by the BAR be approved.

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

The motion was passed by a 4-0 vote.

Other Building Department Issues

Witte

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Witte (Richard & Janet) Offsite Construction Bond in the amount of \$17,040.00, for the installation of new water and sewer connections relative to the construction of their single-family home, being held by the Village be returned as the installation is complete.

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

The motion was passed by a 4-0 vote.

NEW ADMINISTRATIVE POLICY FOR BUILDING DEPARTMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the amended language to the Administrative Policy for the Building Department to read:

1. All actionable code violations should be cited in writing (not verbally) with the property owner/home owner being given 30 to 90 days to correct the violations, depending on the magnitude or complexity of the corrective actions.
2. Within 10 days of this deadline, a second notification letter may be sent granting an additional 30 day extension, but only if there is reason to believe timely action will be taken.
3. If the deadline passes and the violation persists, the Code violator should be issued an Appearance Ticket for Village Court.
4. If this summons cannot be served within 90 days, then the Building Inspector should bring the matter to the attention of the Board who will then decide whether to have the Village Attorney commence a law suit in Orange County Supreme Court.
5. If the condition represents an imminent public safety hazard, the Building Inspector or any member of the Board of Trustees may approve and initiate immediate action to remedy the condition and charge the homeowner or property owner for all related expenses incurred by the Village and third parties.

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

The motion was passed by a 4-0 vote.

COMMITTEES

VIAC: Alan Heywood is delighted that 40-50 dead trees have been removed along Tuxedo Road. The Committee is in the process of creating a 'pot hole' survey and also continues to work with John Ledwith and O&R on the street lights.

ORNAMENTAL TREE

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the hiring of Ornamental Tree to complete work they did in removing trees (at a maximum cost of \$5,000) from the Wee Wah Dam embankment, the new work to entail the grinding of the five remaining stumps on the embankment, and that a reserve of \$1,500 be allocated if additional funds are needed to insure that this work is done as it is part of the NYSDEC requirements.

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

The motion was passed by a 4-0 vote.

PUBLIC COMMENTS

Speakers: James Hays, Peter Regna, Joan Alleman

Comments: Thanked the candidates who are willing to run in the June election and also the Mayor and Trustees who are leaving the Board for all their hard work. Proud of all the Board members and accomplishments and jobs well done. Same sentiments echoed as well.

NEW BUSINESS**AUTHORIZE PERMIT UNDER CHAPTER 25 OF VILLAGE CODE - FEE GATHERING EVENTS**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board authorize the issuance of a permit under Chapter 25 of the Village Code (Fee Gatherings, etc.) to the Tuxedo Historical Society to hold their event on September 24, 2011.

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

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

TOWN & COUNTRY MAGAZINE - ARTICLE BEING WRITTEN ON TUXEDO PARK BY A VILLAGE RESIDENT

A discussion was held and the matter was tabled.

APPROVE MORATORIUM ON THE GRANTING OF PERMITS UNDER CHAPTER 25 OF THE VILLAGE CODE (GATHERINGS)

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the following resolution be adopted relative to Chapter 25 of the Village Code, Instituting a Moratorium on For Fee Gatherings, Tours, Filming and the Like:

WHEREAS, the Village Board of Trustees desires to abstain from granting any permits or permission, and the ability to use the Village's roadways, for in-Village gatherings, tours, filming, shows, parties, sales, games, entertainment, lectures or the like where any fee, subscription, rental, cover charge or admission is levied on attendees for charity, profit or otherwise for a period of six months while the Village Board of Trustees analyzes and determines the desirability of issuing such permits or permissions and, if they are to be issued, to determine potential appropriate revisions and amendments to the Village of Tuxedo Park Code, and

WHEREAS, the Village Board of Trustees does hereby find that this appropriate measure must be taken to secure a temporary reasonable halt on the issuance of permits and permissions with respect to such for fee gatherings and events to protect the public interest and secure the protection of the Village's limited use roadways while the Village Board of Trustees is

undergoing a review and potential revision to the Village's Zoning Code regulations in this regard (see, e.g., Village Code §§ 25-4 through 25-7), as the present regulations, among other things, appear to lack the necessary clarity, consistency and articulated standards being contemplated by the Board of Trustees, and may have an adverse impact on the health and safety of the Village and its residents,

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby imposes a six (6) month moratorium on the issuance of any permits or permissions with respect to for fee gatherings and events as otherwise allowed under Village Code §§ 25-4 through 25-7, thereby prohibiting all such for fee gatherings and events while this moratorium is in effect, and

BE IT FURTHER RESOLVED that this moratorium shall be effective as to any such gatherings and events as otherwise allowed under Village Code §§ 25-4 through 25-7, except for such gatherings and events that have been advertised as of the date of the adoption of this Resolution and, in addition, will occur on or prior to December 31, 2011 (any such gatherings or events that will be held after December 31, 2011, even if advertised prior to the adoption of this Resolution, are not excepted from this moratorium), and

BE IT FURTHER RESOLVED that during this six (6) month moratorium no Village official, nor any Village board, may review or approve an application which would have the effect of authorizing, renewing, enlarging or otherwise modifying any application to accommodate any such gatherings and events subject to this moratorium, and no application for any variance, interpretation, appeal, or other relief may be accepted or decided by any Village official or Village board regarding such gatherings or events subject to this moratorium. Without limiting the scope of the foregoing, this moratorium shall be binding on the Code Enforcement Officer/Building Inspector, Planning Board, Board of Architectural Review, Board of Zoning Appeals, Village Board, Village officials, and any applicant, resident or real property owner in the Village of Tuxedo Park, and

BE IT FURTHER RESOLVED that during the period of the moratorium the Board of Trustees shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Tuxedo Park Code, and

BE IT FURTHER RESOLVED that this moratorium shall be subject to renewal for up to two additional three (3) month extensions by Resolution(s) of the Board of Trustees.

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

The motion was passed by a 4-0 vote.

CHIEF OF POLICE AGREEMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the two year contract for the Chief of Police in accordance with the terms previously agreed to by the Board, contract period July 1, 2010-May 31, 2012.

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

The motion was passed by a 4-0 vote.

DECLARE DPW EXCAVATOR AS SURPLUS AND OFFER FOR SALE

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the DPW's 1990 Komatsu PC60-6 excavator be declared surplus and that it be offered for sale for \$14,000, when the new excavator is delivered, under terms to be negotiated with the buyer.

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

The motion was passed by a 4-0 vote.

PUBLIC HEARING – LOCAL LAW INTRODUCTORY #2 OF 2011 (DEFENSE AND INDEMNIFICATION OF VILLAGE OFFICIALS)

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan to open the public hearing at 9:01 p.m. The vote was 4-0 in favor.

There were neither comments from the public nor any material changes to the proposed law.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the public hearing be closed at 9:09 p.m. The vote was 4-0 in favor.

Neither SEQRA review nor Orange County review was needed for this local law.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board adopt Local Law Introductory #2 of 2011 (Defense and Indemnification of Village Officials) which amends Chapter 15 of the Village Code.

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

The motion was passed by a 4-0 vote.

BACKFLOW PREVENTION AND CROSS CONNECTIONS

A discussion was held regarding the enforcement issues of requiring homeowners and commercial property owners to address back flow prevention and cross connections under the NYS Building Code in order to safeguard the public water supply. The current Village Code Section 97-2(E) addresses 'cross connections to other sources'. The Board asked for a list of water users whose water connection may pose a greater risk if these devices are not installed.

CAPITAL PROJECTS RELATIVE TO WEE WAH DAM

In the dam breach analysis done by O'Brien & Gere for both Pond #3 and Wee Wah Dam, Pond #3 is in good shape. A discussion was held regarding the capital projects that will be involved in upgrading the Wee Wah Dam, spillway repairs, addition of hydroelectric units and armoring the embankment. Currently the Wee Wah Dam is not classified as high hazard, but if Sterling Development is built, the classification will be elevated. The NYSDEC imposed a 2015 deadline for submitting an engineering study of the dam that includes a spillway design analysis, which has

already been completed. In the 2012 Capital Budget, \$45,000 has been budgeted for the spillway repair with \$22,500 spent to date.

AWARD BID – TUXEDO ROAD GUIDE RAIL MATERIALS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the low bid for the guide rail materials for the Tuxedo Road project (to include the Yannuzzi property) be awarded to American Timber & Steel, Norwalk, Ohio, in the amount of \$130,103.75.

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

The motion was passed by a 4-0 vote.

ADVERTISE FOR BIDS – TUXEDO ROAD GUIDE RAIL INSTALLATION

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Village Clerk be authorized to advertise on June 21st for bids for the Tuxedo Road guide rail installation with a bid opening date of July 12, 2011 at 2:00 p.m. in the Village Hall.

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

The motion was passed by a 4-0 vote.

APPOINT DPW SUMMER WORKERS

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that Luke Heater (30 Acoma Road, Tuxedo) and Daniel Jones (8 Leaf Lane, Greenwood Lake) be appointed as temporary summer workers for the DPW at \$10.00 per hour for a period of 9-10 weeks, effective immediately.

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

The motion was passed by a 4-0 vote.

OLD BUSINESS

WESTON & SAMPSON REQUEST FOR ADDITIONAL T& M PAYMENT - CLUBHOUSE ROAD WATER LINE PROJECT

Engineering oversight of the Clubhouse Road water line was originally estimated to be \$34,000. Because of delays by the contractor, the engineering oversight fees have gone over budget and Weston & Sampson has asked for an additional time and material payment. The Board asked that they submit a detailed breakdown of the expended \$34,000 in order to determine how to proceed.

WESTON & SAMPSON PROJECTS REPORT

Richard Messer gave a synopsis of the outstanding projects which include the Wee Wah Dam and spillway, reduction of inflow and infiltration, water audit, Mountain Farm Pump Station and the proposed cost estimates. A discussion was held.

ESTABLISH STEWARDSHIP PLAN FOR THE PRESERVATION OF THE RACE TRACK

A discussion was held.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the Board approve the following resolution to establish stewardship for the preservation of the Race Track:

Whereas, the Village owns a parcel of land encompassing approximately 24 acres, commonly called the "Race Track," which is bounded by Tuxedo Road, Fox Hill Road and partially by East Lake Stable road;

Whereas, the Race Track is a unique bowl-shaped depression in a rocky terrain of the New York Hudson Highlands and geographically represents an exceptional open-break meadow in the surrounding generally unbroken forest of the Hudson Highlands;

Whereas, the Race Track has for forty years been allowed to develop generally into a wild, native meadow without any major disturbances;

Whereas, the Race Track has evolved over time and developed a wide range of soils and moisture conditions that supports a broad range of plant, insect and animal life;

Whereas, in a 2009 biodiversity report prepared by J.G.Barbour, Ecological Consultant, the Race Track is reported to have "an exceptionally high plant diversity and a unique assemblage of plant species for any area of comparable size" and contains many unique species of plants that are uncommon in New York State, with several more species being considered rare in Orange County;

Whereas in a 2008 Bowman's Hill Wildflower Preserve native plant assessment, the Race Track is reported to contain about 256 species of plants, including others not listed in their composite native plant list but identified by other naturalists;

Whereas, the Race Track supports a diversity of wild life, covering birds, insects, reptiles, amphibians and mammals, that includes, in part, sightings of red-tailed hawks, indigo buntings, bluestem skippers, a northern brown snake, a northern dusky salamander, a spotted salamander, and a two-lined salamander, as well as grey and red foxes, and other notable species;

Whereas, this land serves as an important migratory bird and butterfly sanctuary, providing a critical geographical food source in both the spring and fall, where, for example, over 26 species of fall migrant birds have been counted on a single day;

Whereas, the Race Track provides an opportunity to cite several species of birds that are considered threatened or "of concern" by the National Audubon Society and/or New York State, including the Olive-Sided Fly Catcher, Scarlet Tanager, and the Grasshopper Sparrow;

Whereas, a large majority of Village residents in past surveys have expressed the desire to maintain the natural environment of the Race Track, protect the natural wetlands, and create an opportunity for quiet enjoyment;

Whereas, the high biodiversity values of the Race Track requires that its use by the Village and its property owners, residents and guests be balanced with preservation of the site's ecological integrity;

Whereas the Race Track plays an important part of the management of storm water runoff, as it collects runoff from Pine Hill, Tower Hill and Fox Hill, naturally filters the runoff through the leaf litter, a cattail marsh and grasses, and then channels the water into Augusta Brook, which flows into the Ramapo River that is now considered part of the Hudson River Watershed;

Whereas the Village does not have adequate cash funds at this time to invest in the Race Track to complete the bio-diversity inventory, to maintain and improve the wildlife habitats, to educate Village property owners, residents and guests about its unique qualities and contents, and to encourage adults and children to explore the Race Track;

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park Board of Trustees hereby expresses its strong support to maintain and preserve the natural beauty, hydrology and wildlife of the Race Track for the benefit of current and future generations of Village property owners, residents and their guests;

BE IT FURTHER RESOLVED that the Board of Trustees supports having Village residents and other environmental professionals complete an inventory of the natural resources of the Race Track, develop an environmental conservation plan for the Race Track and present these findings and plan to the Board for further action.

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

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

APPROVAL OF MINUTES

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the minutes of the April 6, 2011 Special Board of Trustees meeting, the April 20, 2011 Board of Trustees Meeting, the May 18, 2011 Board of Trustees Meeting, and the June 10, 2011 Special Board of Trustees meeting be approved as amended.

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

The motion was passed by a 4-0 vote.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the minutes of the June 8, 2011 Komatsu Hydraulic Excavator Bid Opening be approved.

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

The motion was passed by a 4-0 vote.

AUDIT OF CLAIMS - Bills in the amount of \$243,333.90 for the General Fund, claim numbers 6-1 to 6-95, \$23,808.53 for the Water Fund, claim numbers W6-1 to W6-7, \$27,222.80 for Capital Projects, claim numbers CP6-1 to CP6-2, and \$2,625.14 for Professional Fees, claim numbers PF6-1 to PF6-4 were audited and ordered paid.

ADJOURNMENT

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Pompan that the meeting be adjourned at 12:30 a.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer