

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
SEPTEMBER 7, 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 Matthews

Also: John Ledwith, Chief Ken Sanford, Richard Golden, Esq., Susan Goodfellow, Mary Grimmig, Mary Graetzer, Sue Heywood, James Hays, Meg Vaught, EJ Matthews, Kristian Matthews, Charlen Cathcart, Lesley deVore, John Kilduff, Reverend Worter, and several representatives from O&R: Michael Grant (Manger, Public Affairs), Tom Brizzolara (Director, Public Affairs), Neil Winter, Jr. (Section Manager, Public Affairs), David Braunfotel (Section Manager, Customer Service Support Operations), Ed Verbraak (Section Manager, Emergency Management), Mike Donovan (Manager, Public Affairs).

Mayor Wilson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. He noted that Trustee Zgonena will try to be 'Skyped' in from Brazil.

Hurricane Irene Update

Mayor Wilson opened by stating that when a community experiences a disaster or emergency situation, rather than assigning blame and pointing fingers, it's important to review the situation and determine what was done wrong and what can be done better the next time. He further explained the issues as they related to preparedness, the hurricane itself and its aftermath. For the future, the Village needs to do at least three things: hook up the existing generator at the South Gate, acquire and hook up a generator at the Village Office, and create a 24-hour emergency command center at the Village Office when mass power outages occur thus making it easier for residents who don't or can't receive CodeRed information alerts. Mayor Wilson introduced Michael Grant from Orange & Rock who was invited to the meeting to give an update on the week-long Village power outage.

Power Update – Orange & Rockland Officials

Michael Grant, Orange & Rockland Manager of Public Affairs, introduced the co-workers that he brought with him: Tom Brizzolara (Director, Public Affairs), Neil Winter, Jr. (Section Manager, Public Affairs), David Braunfotel (Section Manager, Customer Service Support Operations), Ed Verbraak (Section Manager, Emergency Management), and Mike Donovan (Manager, Public Affairs). Each official gave an update of his department's (Orange & Rockland) response to the Village's power outage during the hurricane. The hurricane caused 120,000 customers to be affected with power outages and the crews began working on Sunday night when the winds died down. O&R had their own crews working as well as crews from many different states who came in to assist. He explained the procedure for reporting outages, in that each resident should call so that their calling

area shows up on their service area map rather than having the Police department make one call for all the residents. This allows them to prioritize repairs.

Some residents in attendance expressed their frustration with not being able to get through on the telephone to report their outage, concern that the Village was at the bottom of their repair list, the length of time before power was restored, trees that fell or may be about to fall onto the lines, etc.

Mayor Wilson reminded the O&R representatives that the Village is unique in that severe storms can sometimes trap residents here and they will literally be stranded.

MTA Letter

Mayor Wilson read a letter (copy attached) from the MTA. It outlines the catastrophic damage to the Port Jervis rail line and states it will take many months and millions of dollars to repair all the damage. In the interim, bus service will be offered.

East Village Update – Kristian Matthews, East Village Resident

Kristian Matthews thanked Mayor Wilson for informing the East Village residents about the impending hurricane and possible threats it posed. He stated the flooding in the East Village came from three main areas: a broken dam in Arden that emptied into the Ramapo, an oil spill at SOS fuels, and a severe increase in the amount of water flowing into the already saturated river from other normal sources. Many of the 75 homes in the area were flooded (50-60) and some have been completely destroyed. The basement of his own home was flooded and had to be gutted, as well as his loss of all the mechanicals. He expressed his frustration and anger that the Town of Tuxedo appeared to 'drop the ball' on notifying residents and providing information before and after the storm. He said that residents are in need of furnaces, hot water heaters, washers, dryers, dehumidifiers, contractor assistance, etc. St. Mary's and Our Lady of Mount Carmel Churches as well as the Town of Tuxedo have set up charitable funds to accept donations.

A discussion was held on the legality of a municipality being in control of a charitable account. The Village Attorney has opined that there is a constitutional prohibition against municipalities giving gifts of taxpayer money to charity and it's not appropriate for a municipality to establish such a fund and/or participate in it.

Public Comments

Speakers: Sue Heywood, Susan Goodfellow, Claudio Guazzoni de Zannetti, EJ Matthews, Charlen Cathcart, Kristian Matthews, John Kilduff

Comments: Sympathize with everyone affected. There should be a committee that includes the affected residents to decide where the donations should be allocated; Grateful for the CodeRed and thinks it's wonderful. DPW did good job of checking storm drains and removing stop logs on the dams. Share concern of how money is collected and distributed; Disappointed in what Town Supervisor has done and the Village needs to get out to vote in November; Has FEMA been to the East Village; Encourage the Village to advocate for the construction of a new bridge to the East Village; The Town Supervisor did not follow through and there seems to be a complete lack of support from the Town. There was no Town disaster recovery plan. Attempts by the residents to meet are thwarted by 'informal meetings' of the Town; Other things that are needed include legal representation for the oil spill as well as the NYS Thruway Authority and assistance in determining

accurate water testing results; Praise for the response and assistance by the Police and Fire Departments.

Police Update

Deputy Mayor du Pont read the synopsis (copy attached) of August Police activities as Chief Sanford had to leave.

DPW Update – Mayor Wilson thanked the DPW for all their work and the tremendous job the crew is doing for the Village.

Building Department Update – John Ledwith gave a synopsis of his report on August building department activities. A copy is attached.

Mayor Wilson thanked John and Debbie for their input of current and background information needed for the recent borrowing in which we received a AA+ S&P rating and a rate of 3.0% on the Village's General 20-year Obligation Bond.

Committee Updates

Advanced Technology & Website: Chair Claudio Guazzoni de Zannetti reported that the Committee is working on an update and redesign of the current Village Website. They are also researching the most cost effective cameras and microphones for installation in the meeting room to allow the broadcasting of meetings via web-casting. The cost is estimated to be between \$3,500-\$4,000.

September Trustees Meeting

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the previously scheduled September 8, 2011 Board of Trustees meeting be cancelled.

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

The motion was passed by a 4-0 vote.

Public Hearing – Local Law Introductory #3 of 2011 - Amending Chapter 65-6(H) - Single Hull Boat Lengths

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont to open the public hearing at 8:49 p.m.

Public Hearing Comments: Claudio Guazzoni de Zannetti feels boat length should be measured at water level, asked whether antique boats can now be larger than 30' and asked whether the new law would increase the value of those boats that are grandfathered.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the public hearing be closed at 8:53 p.m. The vote was 4-0 in favor.

SEQRA

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the local law (Introductory #3 of 2011) be classified as a Type I action under SEQRA.

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 Wilson, seconded by Deputy Mayor du Pont that the Board of Trustees assumes SEQRA Lead Agency status with respect to this local law (Introductory #3 of 2011).

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 Wilson, seconded by Deputy Mayor du Pont that the Board makes its SEQRA determination of significance as a negative declaration for Local Law Introductory #3 of 2011 and this local law will not have a significant adverse environmental impact.

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

The motion was passed by a 4-0 vote.

Adopt Local Law Introductory #3 of 2011

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that Local Law Introductory #3 of 2011, amending Chapter 65-6(H) of the Village Code regarding the length of single hull electric boats, be adopted.

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

The motion was passed by a 4-0 vote.

Yaboo Fence Extension Request

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the request of Yaboo Fence for a time extension of their contract on the guide rail installation be granted, with completion by September 19th, without any additional monies granted for the extension, and that their liquidated damages would not start until after that extension time.

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

The motion was passed by a 4-0 vote.

Wee Wah Dam Spillway Repair Work

A discussion was held on the condition of the Wee Wah Dam spillway as a result of the hurricane and the necessity for emergency repair work. Since the repair is an emergency and would require specialized stonework, the Village Attorney opined that the formal bidding process would not be required.

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve emergency repair work on the Wee Wah Dam spillway requiring specialized stonework services and that being it is an emergency condition given the status of the dam at this point in time and that any potential rains could cause a failure, no formal bid is required and the final contract agreement for the specialized services with the contractor, Legacy Stoneworks, at a maximum cost not to exceed \$45,000, would be subject to review by the Village Attorney.

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

The motion was passed by a 4-0 vote.

Adjourn to Attorney-Client Session

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board enter an attorney-client session at 9:09 p.m. for 15-30 minutes. The vote was 4-0 in favor.

Reopen Regular Session

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board re-enter public session at 9:41 p.m. The vote was 4-0 in favor.

Amend June 15, 2011 Resolution – For Fee Gatherings

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the June 15, 2011 resolution regarding 'for fee events' under Chapter 25 of the Village Code be amended to also allow a TPAG event on September 24, 2011 at the Tuxedo Club.

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

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

Audit of Claims – Bills in the amount of \$239,041.72 for the General Fund, claim numbers 9-1 to 9-87; \$133,929.97 for the Water Fund, claim numbers W9-1 to W9-12; \$48,942.65 for Capital Projects, claim numbers CP9-1 to CP9-6; and \$15,396.20 for Professional Fees, claim numbers PF9-1 to PF9-5 were audited and ordered paid.

Adjournment

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the meeting be adjourned at 9:45 p.m. The vote was 4-0 in favor of adjourning.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer