

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
APRIL 24, 2012
7:00 P.M.**

Present: Mayor Thomas Wilson
Deputy Mayor David du Pont
Trustee Liane Neuhauser
Trustee Robert Zgonena

Absent: Trustee Alan Heywood

Clerk: Deborah Matthews

Also: John Ledwith, Chief Sanford, Rick Golden, Esq.
Meg Vaught, Mary Graetzer, Mary Grimmig, Larry Darby, Ken Stewart
Jack & Audrey Perry, Susan Goodfellow, Robert Simon, Paola Tocci,
Bonnie Takeuchi, Jake Matthews, Cami Fischer, JoAnn Hanson, Steve Maurer,
Claude & Mary Jo Guinchard, Naomi Moon

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

Mayor's Update

The public hearing on the Tentative Budget for fiscal year 2012-2013 was held on April 11th. Lakes and stream water testing is ongoing since the issue with the Mulch Pile and Four Corners Pond. The Board is concerned about possible runoff into the Village's waters and contamination of ground water.

The Village received a copy of a letter from the NYSDEC which included a letter to the Town of Tuxedo giving them a notice of noncompliance, a notice of violations (of the Environmental Conservation Law and the Clean Water Act) and a notice of damages to the natural resources of the State of New York.

As confirmed by Attorney Golden, the Commissioner of the DEC acts as the Trustee for the natural resources of the State and they take the lead. As long as the DEC is following up and enforcing its own rules and orders, including the prior Consent Order, then that is where the law requires the enforcement to be. Only if the DEC fails to act could private citizens and municipalities file suit. Because Watershed Assessment Associates could not be present, Environmental Committee Chair Susan Goodfellow is here and can answer questions to the best of her ability later in the meeting.

Police Update – Chief Sanford gave a synopsis of March Police activities. He is asking the Board to declare a Ruger mini 14 gun as surplus so that it can be sold and the funds put toward new shotguns which the Department is looking to purchase. Deputy Mayor du Pont stated that he had previously discussed the sale and purchase with the Chief and is in agreement.

DPW Update – Superintendent Voss was absent due to a water main break on Circuit Road. A written report was previously submitted.

Building Department Update

John Ledwith reported: no new building permits this month; received information from O&R regarding natural gas line into the Village – a survey to go out soon to residents along the proposed route; received estimates for wiring all police buildings to the existing Police station generator, underground and aerial; working with Trustee Neuhauser on repairs to the South Gate rental house; prepared final assessment roll; coordinated Overton Subdivision review; etc.

Committee Updates

BAR – Chair Paola Tocci and Deputy Chair Robert Simon presented the final draft of the BAR Design Guidelines to the Board. Ms. Tocci also acknowledged Architect Stephen Tilly, who drafted the document, as well as BAR consulting architect Barry Rice for his input as well.

Village Attorney Rick Golden commented that to become effective, the Guidelines must be approved by resolution of the Board, and any future changes or amendments to the approved draft would also need to be approved by the Board of Trustees.

A brief discussion was held.

Approve BAR Design Guidelines

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the BAR Design Guidelines dated March 2012 as presented.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Public Comments

Speakers: Jack Perry, Paola Tocci, Susan Goodfellow, Larry Darby, Ken Stewart, Steve Mauer

Comments: Is there an update on the South Gate water problem; can the 4' fence/gate height law be changed to 8' in height in order to allow applicants to come to the BAR without having to get a BZA variance; the Village Code should be changed to allow construction of new guest houses and habitation of existing structures as such; is there a law that addresses shrubs and branches growing into the Village roadways; what is the status of the mulch pile and what is the status of the Wee Wah Beach Club.

Trustee Neuhauser visited the area near the South Gate and the problem appears to be a large turn-around built by the Town which is stopping the flow of the water. It was decided the Mayor would have the Village DPW Superintendent contact the Town Highway Supervisor so they can work together to find the solution.

Attorney Golden noted that BZA Attorney Mike Donnelly has drafted legislation for a revised fence/gate law for the Board to review. Mayor Wilson suggested the Board add the draft to the May BOT agenda.

In addition, the subject of guest houses, as referred to in the Village Code, impacts several provisions that exist in the Code and any consideration of a change would require more specific criteria in drafting the legislation.

Attorney Golden read Section 75-12 of the Village Code which is related to property maintenance, specifically vegetation growing into the Village roadways.

Environmental Committee Chair Susan Goodfellow, in response to questions about the mulch pile and contamination, gave an update on the testing being done. In addition, one of the issues to be addressed is whether or not the ponds communicate, i.e. are there above ground connections; maps need to be verified; questions about fractures and where they lead need to be answered; the mines need to be examined; hydrology of the regions needs to be closely looked at; etc. The latest plan is to move forward with a general screening for a variety of toxins including insecticides and pesticides, etc. and an ongoing program of evaluation. The status of Wee Wah Lake is not known at this time.

Surplus Equipment

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board declare the Police Ruger Mini 14 as surplus equipment to be sold for fair and adequate consideration.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Approve 2012-2013 Budget

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the Modified Tentative Budget for the *General Fund* for fiscal year 2012-2013, total appropriations of \$3,825,833.00 with a tax rate of \$49.995514 per \$1,000 of assessed valuation.

Vote of the Board: 4 ayes, 0 nay approve

The motion was passed by a 4-0 vote.

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the Modified Tentative Budget for the *Water Fund* for fiscal year 2012-2013 with total appropriations of \$676,504.00.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Enter Executive Session

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board enter Executive Session at 8:04 p.m. to discuss the Tax Certiorari of the Tuxedo Club and Michael Collins. The vote was 4-0 in favor.

Re-enter Regular Session

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board re-enter regular session at 8:32 p.m. The vote was 4-0 in favor.

Tax Certiorari Settlements

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board approve the settlement with the Tuxedo Club with identical rates as the prior approved rates and add the 2012-2013 tax year.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

AWARD BID - Songer Contracting

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that upon the recommendation of Village Engineer Richard Messer, the Board approve the bid for the SSES work by the low bidder, Songer Contracting, for the project named DPW 2012-01, at a bid price of \$95,095.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Audit of Claims - Bills in the amount of \$109,736.26 in the General Fund, claim numbers 4-1 to 4-88; \$20,247.59 in the Water Fund, claim numbers W4-1 to W4-12; \$4,978.80 in Capital Projects, claim numbers CP4-1 to CP4-2; and \$4,081.03 in Professional Fees, claim number PF4-1 to PF4-3 were audited and ordered paid.

Adjournment

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the meeting be adjourned at 8:35 p.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer