

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
JUNE 29, 2012  
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 A. Matthews

Also: Chief Ken Sanford, John Ledwith, Susan Goodfellow, Mary Graetzer, Nancy Bourke, Joan Alleman, Audrey & Jack Perry, Mary Jo Guinchard, Jake Matthews, Bonnie Takeuchi, Stuart McGreagor, and others.

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

**Mayor's Update**

Mayor Wilson gave an update on the state of the lakes. There has been a modest improvement in the condition of Tuxedo Lake and the question still remains as to what to do about the Wee Wah. A report was received from the engineer which addresses the possibility of raising the level of the lake roughly two feet to accommodate swimming without causing concern about the stability of the dam. It is uncertain whether or not two feet will be enough for the Wee Wah Beach Club to allow swimming. In addition, the Board still has to determine whether the water is safe enough to swim in or whether they want to continue to do more studies.

The Mayor congratulated Trustee Lili Neuhauser and Trustee Elect John Kilduff on their recent election and also Mary Jo Guinchard who ran a great write-in campaign on short notice.

Mayor Wilson also commended Trustee Neuhauser on the painting of the DPW building and the renovation of the South Gate house.

**Police Update**

Chief Sanford gave a synopsis of the May Police activities. He reported it has been relatively quiet during the month of June.

**DPW Update**

Superintendent Voss was absent. Mayor Wilson reported testing on the lake waters continue.

**Building Department Update**

John Ledwith reported on several building permit inspections performed during the month as well as various other related activities. A copy of the report is attached.

*Building Permits*

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the building permit applications of Joseph Capella, Laurel Road, Tax Map #107-1-78.1 for driveway gates; Evan Jenkins, Patterson Brook Road, Tax Map #103-1-36 for replacement windows; and Sue & Kevin Niblo, Cliff Road, Tax Map #106-1-65 for the construction of a new house.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

### **Ridgeline/Precipice Law**

Mayor Wilson mentioned that over the course of the next several months he would like to revisit and discuss the Ridgeline/Precipice Law. He stated that he is aware the law had prevented several prominent houses from being built in the Village, and as a result would like the Board to take another look at the law. The discussion will continue once the new Board is in place in July.

Trustee Heywood stated that he feels the Board who passed the Ridgeline law had good intentions, but may have gone overboard on the details thus making the legislation too restrictive, cumbersome and unwieldy.

Trustee Neuhauser asked how many properties were affected by the law. The matter will be researched.

Trustee du Pont stated that he was not aware of any issues with the law and would like time to look into it.

### **Proposed Sale of Village Property**

Mayor Wilson introduced the topic of selling a Village owned parcel at the southeast end of Tuxedo Lake which is approximately 2-3 acres. He proposed it be sold at public auction and be limited to Village residents. Building would be confined to a boathouse only.

Trustee Neuhauser noted that the current Village Code prohibits the building of new boathouses. Deputy Mayor du Pont stated that he is open to the idea of adding another boathouse in that area of Tuxedo Lake.

Mayor Wilson noted that the General Fund is \$95,000 in the black for year end May 31<sup>st</sup>, and the sale of Village property at the south end of Tuxedo Lake could be lucrative for the Village. The sale is an issue which the Board should explore.

Deputy Mayor du Pont suggested the Village require a \$100,000 bond to define people with a serious interest.

Trustee Heywood is concerned that this could become a problem with existing adjacent lake property owners and boathouses.

### **Committee Updates**

#### *Environmental Committee*

Chair Susan Goodfellow noted that the committee has lost some members and gained some, with Mary Jo Guinchard becoming a new member.

She reported on the activities and conditions of the lakes. C Slap sampling began the weekend of June 22. Weekly samplings will continue through the end of September and provide a good baseline of data.

Eurasian Milfoil removal by AIM will begin the week of July 9 and be coordinated with Allied Biological who is doing the aquatic plant survey on Wee Wah Lake and Pond #3. The Milfoil was also found in Pond #3 but not yet in the Wee Wah.

Jim Hays is coordinating volunteer efforts regarding the Eurasian Milfoil.

Another area of concern is bedrock fractures and whether they are transporting surface and ground water into our lakes.

Mrs. Goodfellow has been in contact with Dr. Alex Gates, Chair of Environmental Science at Rutgers and Chair of the Hudson Highlands Environmental Research Institute. Dr. Gates runs a science program for high school students in Newark and has volunteered to have these students do testing of the water in Warwick Brook.

John Graziano, Orange County Health Department, inspected the Wee Wah on June 27 and is in the process of evaluating the water quality. His concerns are with bacteria levels from ecoli, cyanobacteria from blue green algae, and chemical pollutants. He received a copy of the results of testing that has already been done by the Village that shows negative levels.

Mrs. Goodfellow explained that the issues impacting swimming versus water quality issues in the streams are different. The Health Department is concentrating on bacterial levels in the lake as well as the possible presence of algae blooms. Kelly Nolan of Watershed Assessment Associates is studying the health of the macroinvertebrates.

Mayor Wilson asked Bonnie Takeuchi, President of the Wee Wah Beach Club, her opinion of the water and the lake level. She stated that the water in the immediate swimming area is experiencing a growth of plant life, elodea (a noninvasive, natural plant), which needs to be pulled before swimming can be allowed. Bonnie suggested that volunteers in boats with rakes could remove it. She noted that two feet more of water in the lake would be a big help to allow swimming.

Mrs. Goodfellow stated that the Orange County Department of Health has jurisdiction over water quality for drinking as well as swimming and that the issues of the Wee Wah testing show that they aren't being caused by dangerous chemicals but rather organic feed. She recommended the Board discuss any liability concerns with the Village Attorney if the Wee Wah is opened for swimming.

Mrs. Goodfellow presented the Board with two proposals from Watershed Assessment Associates for further stream assessment studies and recommended the Board approve them.

A motion was made by Mayor Wilson, seconded by Trustee du Pont the Board approve the Watershed Assessment Associates proposal for the Warwick Brook Benthic Macroinvertebrate Sampling Plan and Cost Estimate for \$15,000 and the Biological Lake Assessment (Wee Wah and Tuxedo Lake) for \$9,150.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

### **Public Comment**

Speakers: Jack Perry and Audrey Perry

Comment: There is still a water problem at the South Gate Road turnaround and on the Perry property. The fallen trees on the Village property behind the Perry's and along the stream need to be removed.

Mayor Wilson responded that the Village and Town DPW will coordinate the installation of a culvert and swale at the turnaround with the Village supplying 30-40' of culvert pipe. The Board was in agreement.

Speaker: Jake Matthews

Comment: The triangle at Pine and Ridge Roads, owned by the Village, need to be cleared of dead leaves and branches. The pedestrian walkway along Tuxedo Road is too narrow since the installation of the new guide rail.

### **Schedule 2012 Reorganization Meeting**

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the 2012 Reorganization meeting be held on Tuesday, July 24, 2012 at 7:00 p.m. to be followed by the regular monthly BOT meeting at 7:30 p.m.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

### **Thank you**

Mayor Wilson thanked Trustee Zgonena, who was absent from the meeting, for his service to the Village and all the time he put in during his two year term.

### **Audit of Claims**

Bills in the amount of \$194,510.24 for the General Fund, claim numbers 6-1 to 6-121; \$37,997.47 for the Water Fund, claim numbers W6-1 to W6-17; \$30,003.03 for Capital Projects, claim numbers CP6-1 to CP6-3; and \$13,573.85 for Professional Fees, claim numbers PF6-1 to PF6-6 were audited and ordered paid.

### **Adjourn to Executive Session**

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board enter Executive Session at 8:15 p.m. to discuss the Police Chief Employment Agreement. The vote was 4-0 in favor.

### **Reopen Regular Session**

A motion was made Mayor Wilson, seconded by Deputy Mayor du Pont that the Board exit Executive Session and reopen regular session at 8:46 p.m. The vote was 4-0 in favor.

**Approve Police Chief Agreement**

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board approve the Police Chief Employment Agreement of Chief Sanford as presented by Deputy Mayor du Pont with a change to Article 5 adding "25 working days" and to Article 7 adding the date of the PBA contract of June 1, 2011 to May 31, 2013, and that the agreement be subject to review by the Village Attorney.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

**Wee Wah Dam**

A brief discussion was held on the status.

**Adjournment**

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the meeting be adjourned at 8:53 p.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer