

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES MEETING
MARCH 26, 2013
7:00 P.M.**

Present: Mayor Thomas Wilson
Deputy Mayor David du Pont
Trustee Alan Heywood
Trustee John Kilduff
Trustee Liane Neuhauser

Clerk: Deborah Matthews

Also: Chief Ken Sanford, John Ledwith, Jeff Voss, Richard Golden, Esq., Rich Messer (Weston & Sampson), Meg Vaught, Jake Matthews, Jim & Nancy Hays, Mary Graetzer, Mary Grimmig, Sue Heywood, Kathy Norris, Eric Cathcart, Barbara du Pont, Peter Regna, Richard Witte

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

Mayor's Update

Mayor Wilson regretfully announced that he would not be running for another term as Mayor. He has sold his house, which has been on the market for a quite a while, and he cannot make another two year commitment. He also announced that Trustee Neuhauser has decided to run for Mayor. Trustee du Pont stated that he would be running for another term as Trustee. Trustee Heywood stated that he would not seek re-election for another term and hopes to see younger people get involved. Trustee Kilduff's term is not up for election this year. The Mayor stated that he is confident that the Village is going in the right direction and will continue to do so moving forward.

Tuxedo Road/Causeway Wall

Village Attorney Rick Golden stated that he did a title search going back to 1978 that also included a subdivision map of 1974, and there was no specific reference in the deeds to the wall as to whether it was or was not owned by the Booth property or any other adjoining properties. But consistent with the 1980's survey that was presented at the last BOT meeting, there is an indication in the 1974 survey that the wall was coincident with the boundary line of the Booth property. He is looking further back to when the Booth property might have belonged originally to a larger property and was brought out of an earlier deed at about the time that the wall might have been there or shortly before the wall would have been there going forward. There might be some older deeds that make reference to it, but he doesn't think this additional search should hold up anything further at this point in time. The only evidence we have of the wall ownership is that the wall appears to be on the Booth property line, and there is law in New York that provides when such improvements such as a wall is a benefit to the adjacent private property owner in a very different way from the general public with respect to its purpose and use, such as sidewalks and driveways, it supports the conclusion that this retaining wall should be the responsibility of the property owner. We have enough evidence to write the homeowner a letter and ask her to remediate the wall immediately.

A discussion was held.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board of Trustees send a seven day notice to the owner of the property at 262 Tuxedo Road, Parcel No. 107-1-8.3, to present a plan to the Village to correct the deficiency in the wall that is on the Tuxedo Road causeway.

Vote of the Board: 4 ayes, 0 nays, 1 abstention (David du Pont)

The motion was passed by a 4-0-1 vote.

Police Update - Chief Sanford gave a synopsis of February police activities. In regard to questions on deer culling, he stated that ten sites have been activated and baiting has begun, which will take about four weeks.

Mayor Wilson stated that he and Trustee Neuhauser met with the DEC to discuss long-term deer management strategies, and the Board will be putting together a management plan that will be submitted to the DEC. The Village has requested 40 permits for culling to start on April 1st.

DPW Update

Jeff Voss reported that his crews are checking roads and identifying and patching as many potholes as possible. However, Tuxedo Road is too shallow to fix with cold patch. He is planning to mill (taking 1 ½" off the surface and putting down new 1 ½" asphalt) Tuxedo Road from the Gate up to East Lake Stable Road, taking two 10-hour days to complete. The work would not be done until after school is out and the Tuxedo Road causeway is reopened.

Building Department Update

Two building permits were previously approved by the BAR, one for Kathy Norris' garage and one for the Tuxedo Club dead and hazardous tree removal.

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the building permit application of Kathy Norris, Tax Map No. 108-1-10.1, for the reconstruction of her garage be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the building permit application of the Tuxedo Club, Tax Map No. 107-1-3, for the removal of 21 dead and hazardous trees on their property be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Committee Updates - None

Public Comments – Issues mentioned are below in the south end access road request.

Presentation – Library Renovation Project

Barbara du Pont, President of the Library Board of Trustees, gave a short presentation outlining the Library's upcoming planned renovations.

The renovation does not call for moving any walls or physical changes to the building. The plans are to cosmetically move things around and add furniture and new carpets, as well as a lot of rewiring. Each room will take about one week to complete. One of the new features will be a media/café room. When the central area/lobby is being renovated, the library will be closed for about a week.

All funds to pay for the renovations have been raised by private contributors and grants. No taxpayer money has been or will be used. They also intend to raise money for the installation of a generator.

A short question and answer session followed.

Engineering Updates

Village Engineer Rich Messer, Weston & Sampson, gave an update on the following projects.

Wee Wah Dam

His firm is well along with the dam design with input from the DEC. One of the last items to be done is the survey of the dam and surrounding area. He hopes to have the DEC approve the plan by the end of this year. Construction on the dam is expected to begin in 2014. When several of the boards are replaced in the dam, he anticipates the water level will be about the same as last year's spring and summer level.

East Village Water Line

He is awaiting the correct information from the NYS Thruway before finalizing those plans. Originally the Thruway Authority gave him information on the wrong locations. The design is nearing completion and bid documents are forthcoming. The project will hopefully be completed by the end of this year.

Mountain Farm Pump Station

The work on the upgrades to the pump station needs to be done.

Request for Permission to Film in the Village – Inside and Outside

The Village has recently received several requests from homeowners to film video of their homes to aid realtors in selling them. However, the process is in conflict with the current Village Code. It was noted that some videos have already been done without Board permission and have been broadcast on national TV.

A discussion was held, including issues related to security and privacy of the Village residents. Also discussed was a change to the Village Code, by local law, to allow an exception for filming strictly on and within the homeowner's property.

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board authorize the Village Attorney to draft a proposed local law that would provide an exception to the Village Code (Chapter 51) for the filming of the interior and exterior of a home for the purpose of selling said home and for insurance purposes.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Allied Biological Proposal for 2013 Algae Management Program

A brief discussion was held regarding the treatment of Tuxedo Lake with copper sulfate as was done last year by Allied Biological. Also discussed was the effect that phosphate fertilizers have in causing algae blooms when they runoff surrounding lake properties and into the lake.

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the proposal dated February 19, 2013 from Allied Biological for the 2013 Algae Management Program for algaecide treatment of Tuxedo Lake at \$3,525 per treatment, \$50 for the NYSDEC Notice of Intent, and \$285 for the Pesticide Discharge Management Plan, totaling \$3,860.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

AIM 2013 Eurasian Milfoil Removal Proposal

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board approve the 2013 proposal from Aquatic Invasive Management (AIM) for the removal of Eurasian Milfoil from the three Village lakes, using a crew of 2 divers and 1 tender crew for three full weeks (40 hours work time per employee), at a total cost of \$23,172.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Appoint Village Representatives for Overton Subdivision

At the request of Attorney Golden, Mayor Wilson appointed Trustee Neuhauser and Trustee Kilduff to be the representatives for the Village in discussions with the Overton representatives regarding changes to the Village water system, which would be at the Overton expense.

South End of Village Property Access

Attorney Golden reported receiving a request, through Hank Christensen who is the attorney for Kent Kroeber, for permission from the Board of Trustees to allow temporary access to Mr. Kroebers's vacant lot located within the Town of Tuxedo and bordering the Village. Access to the Kroeber parcel is requested through Village roads at the south end in order to do test pits and water well drilling to determine whether the Kroeber lot will sustain development.

A discussion was held. After initially agreeing to deny the request, the Board decided to gather more information, including surveys and tax maps.

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board authorize Attorney Golden to research the matter further.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

2013-2014 Tentative Budget*Budget Workshop*

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board schedule a budget workshop for Monday, April 1, 2013 at 6:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Public Hearing

A motion was made by Mayor Wilson, seconded by Trustee Heywood that a public hearing on the 2013-2014 Tentative Budget be scheduled for Monday, April 15, 2013 at 6:00 p.m. in the Village Hall.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Approve Minutes

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the minutes of the February 19, 2013, February 28, 2013, and March 20, 2013 Board of Trustees meetings be approved.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Audit of Claims - Bills in the amount of \$151,732.34 in the General Fund, claim numbers 3-1 to 3-87; \$22,756.01 in the Water Fund, claim numbers W3-1 to W3-14; \$2,945.00 in Capital Projects, claim number CP3-1; and \$5,062.50 in Professional Fees, claim numbers PF3-1 to PF3-2 were audited and ordered paid.

Adjournment

A motion was made by Mayor Wilson, seconded by Trustee du Pont that the meeting be adjourned at 8:58 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer