

I hope that you all had a wonderful holiday and that you have a very happy and healthy new year.

As we dig out from our first storm of 2014, I want to thank the men of the DPW for their efforts. It is less than a pleasant job, under unusually cold weather conditions, especially in the single digit temperatures we've been braving.

I had a meeting with newly elected Tuxedo Town Supervisor elect Mike Rost. We had a great talk and spoke about all manner of issues: Tuxedo Reserve, the Mulch Pile, environmental concerns, the relationship between the Village and Town, among many others. We see eye to eye on many, if not all of the issues and decided that we will work well together going forward. Mike is thoughtful and fair and he has lots of work ahead of him. I assured him that we, the Village, will be there to offer any assistance he might need in the coming months. It takes time to find one's footing in a new and important job and I know he is up to the task! We are both committed to bringing the Town and Village closer together in an effort to unite all those who are proud to call Tuxedo home!

I, along with former Mayor Houston Stebbins, attended the annual awards dinner and meeting of the Cornell Cooperative Extension of Orange County in Middletown on December 9th. Each year the Extension celebrates a worthy member of the community and this year's honoree was our Village Attorney, Rick Golden. We were informed of many of the good works he does for the Extension and all that Rick does for the greater community. We, in Tuxedo Park, are fortunate to have his years of expertise and knowledge of Orange County, it's laws and what makes municipalities tick. We are proud of your accomplishments Rick!

### Orange & Rockland Meeting

On November 18th, John Ledwith, Jeff Voss and I met with Michael Grant, the Orange & Rockland representative, Supervisor Dolan and a number of others to discuss O&R's new Priority Restoration Initiative. It has become apparent after each major storm event, O&R works hard to identify areas that hinder the progress of restoring power. To this end, they have set up a new program to send teams in to the Town and the Village, who will work with the DPW to clear roads of trees first. This will enable emergency crews access, allow residents to leave, go to work and allow safe movement on the roads in the Village and Town with Route 17 being a big priority. Once this has been done, then O&R crews will be able to access the areas needed with downed power lines. We will have twice daily conference calls, in these situations, where we, Jeff, Chief Sanford and I will speak to Mr. Grant, to get updates on their progress.

I commend O&R for their continued efforts to improve response during large power outage events, keeping in mind that each of these storms are unique and that we are fortunate to have better warning in advance of these storms. I encourage new residents to sign up for CODERED, see the Village Website ([www.tuxedopark-ny.gov](http://www.tuxedopark-ny.gov)) for details

on signing up, as this service will keep you better informed in the event of a major storm or emergency situation.

## **Resident Car Tags**

January 1st was the deadline to get your new resident tags. A small effort means that we will be better able to make it a quick entry for you. It is an easy process. If you have a change in vehicle(s) and or license plate(s), just photocopy your registration(s) for Denise and she will issue your new tag(s), which can go on right over the old one(s). Thank you.

## **Leaves**

We here in Tuxedo are not the only community who struggle each year with what to do with our leaves. We need to start a campaign of "leaves are good" rather than treat them as a garbage item to be disposed of. The nutrients are invaluable for the growth of our gardens and lawns and leaves are a natural alternative that we ought to embrace!

John Moon sent me an article regarding the "mulching" of leaves to feed your lawn. See the "Rake the Leaves? Some Towns Say Mow Them", from NY Times 11/24/2013. Mowers have a special blade attached that chops the leaves into tiny bits. They decompose and feed the grass, or they can be spread onto beds to nourish shrubs, etc. Collecting leaves is awful for the environment. Instead they can be mowed in place on the lawn. Imagine a Fall season where blowers didn't exist - they are noisy and emit vile smelling fumes.

I chopped my leaves years ago on our place in Maryland, without a special mower blade. I merely ran over the leaves until they were very finely cut up. It only required a few extra passes on the mower. Yes, in a past life I mowed! It was easy and hugely effective. The Moons are doing this here with great results. We will be talking more about this prior to next Fall. If residents are on board and start talking to their landscapers now, then we might get some positive movement for the environment going and save on getting dumpsters and traffic guards to monitor leaf dumping!

The entire NY Times article is on the Village Website ([www.tuxedopark-ny.gov](http://www.tuxedopark-ny.gov)).

## **Professor Ochsendorf's Report**

Please see John Ochsendorf's entire report on the website.

## **Garbage Contract**

The new contract was awarded to Sterling Carting for a period of three (3) years, with the option of three (3) one-year extensions. Sterling will continue their wonderful refuse and recycling service to the Village, so no changes will occur.

## **Booth Offer of Settlement**

The Board of Trustees has continued to work on a resolution of the Causeway Wall issue. We have been able to reduce the scope and cost of the work necessary to remedy the situation. Also, to reduce unnecessary legal expenses to the Village and to the adjacent property owner Cindy Booth, we have agreed to postpone further action in the lawsuit brought by Ms. Booth until the end of January, in the hope that a resolution can be agreed upon cooperatively between the Village and Ms. Booth in the interim. The Board of Trustees agrees that a cooperative resolution of this matter is a faster, cheaper and more certain alternative than relying upon a court to make the determination.

In that spirit, the Board of Trustees makes the following offer to Ms. Booth to settle her lawsuit against the Village, lift the temporary restraining order that is preventing the Village from repairing the wall, and allow the necessary work to repair the Causeway Wall to proceed immediately, weather permitting. This offer specifically avoids addressing the issue of who owns the wall, as the determination of that issue, and its consequences, has been a major hurdle to a resolution.

1. The scope of the wall repair can be reduced to an area of approximately 100 feet, significantly reducing the cost of repair, estimated now to be approximately \$175,000.
2. The Village will absorb the engineering costs related to the repair work, and have the Village DPW dismantle the affected section of the wall under the supervision of a qualified stone mason, further reducing the estimated cost of the project.
3. The initial work will be to excavate behind the affected section of the wall, dismantle that section to approximately 3 feet in height, and stabilize the area (including necessary soil and erosion control measures) so that the Causeway can be fully opened to traffic through the winter.
4. In the Spring, a bid or Request for Proposal will be put out for qualified masons/contractors to restore the wall to its existing height, using the same stones. One of the resulting cost reductions is that the restored wall will be a masonry only wall. The wall's long term stability will be ensured by reducing the load on the masonry wall by having the soil on the backside of the wall re-graded and restored to a level approximately 3 feet before the existing top height of the wall. There will be closures of the Causeway during the period of construction.
5. The Village proposes that Ms. Booth contribute half of the out of pocket costs to the Village to have this work performed. She would not have to share in the expenses related to the work performed by the DPW and Village Engineers. If Ms. Booth desires to self-perform this work, the shared costs would likely be further reduced because the work would not be subject to the prevailing wage law applicable to work performed by a municipality.

We will ask our counsel to present this offer formally to Ms. Booth's attorney.

## **Village Response**

At the November meeting of the Village of Tuxedo Park (the "Village") Board of Trustees, a public offer of settlement was made to Ms. Cindy Booth, [insert address], in order to expedite the full re-opening of Tuxedo Road, in front of her property, which has been closed, due to the unsafe condition of a portion of the wall abutting the road (the "Causeway Wall"). The Village offered to use much of its own resources to dismantle the Causeway Wall, continue to bear the cost of the necessary engineering studies and plans, and incur one-half of the third-party construction costs to rebuild the Causeway Wall.

There was a hope that a rapid agreement would allow for the Causeway Wall to be brought down to a safe height, and, after securing the site for proper drainage and other elements, allow the road to be fully opened, ahead of the winter season.

Due to the initiation of a lawsuit against the Village by Ms. Booth, the Village has been unable to proceed with opening the roadway because there is presently a temporary restraining order in effect preventing the Village from dismantling the wall or entering upon or in any way touching Ms. Booth's property.

As you are probably aware, last summer, the Village Board of Trustees held a hearing and determined that the maintenance and repair of the Causeway Wall was the responsibility of the property owner, and, therefore, it was the property owner's responsibility to bring the wall back into a safe condition. The reasons for that determination have been thoroughly set forth in various venues, including the Village's answer to Ms. Booth's lawsuit against the Village.

Ms. Booth has asserted that the wall is the Village's responsibility, and she has refused to contribute any financial resources toward its reconstruction. Ms. Booth continues to hold that position currently.

Historically, in instances where private property and Village roads and infrastructure have intersected, agreements to share the repair costs, proportionally, have been agreed to by the Village and the respective property owner.

The Village cannot allow a precedent to be set with this case, where it would become fully responsible for the maintenance and repair of all problematic or failing, privately-owned, walls that may be coincident with Village property.

Despite the Village's legal conclusion that Ms. Booth is responsible for the Causeway Wall, it was determined to be in the best interests of the Village and its residents to attempt to conclude a fair and reasonable settlement between the parties. In fact, the Village put forth an extremely generous settlement offer. It was also made clear that the offer of settlement represented the Village's best and final offer. In other words, the Village could not offer any more. Unfortunately, the Village's offer of settlement was recently rejected by Ms. Booth, and the Village's offer of settlement was withdrawn, as a result.

We must now await the various rulings of the court in this matter, which could take several months. The Village will continue to endeavor to restore the road to a safe condition, in order for it to be fully re-opened, as quickly as possible.

## **Graetzer Memorial**

Nancy Hays, representing the Tuxedo Park Garden Club, came before the BOT to ask about the placement of a bench in honor of Pam and Kurt Graetzer in the Tuxedo Road/East Lake Road Triangle. The Board passed a motion agreeing to the placement of the bench on Village property sometime next Spring.

## **Police Contracts**

Thanks to the efforts of Deputy Mayor du Pont, the full time Police Officers and the full time Traffic Guards have successfully negotiated new contracts through May 31, 2016.

## **Environmental Committee**

Please note the following dates:

Saturday, FEBRUARY 1, 2014 at 3:00 p.m. - Dr. Richard S. Ostfeld  
The Tuxedo Park Garden Club, Tuxedo Park Library, and the Village will co-host a presentation by Dr. Richard S. Ostfeld, Senior Scientist at the Cary Institute (located in Millbrook NY). Dr. Ostfeld is recognized as a leader in the study of the ecology of Lyme Disease. He has written an excellent book describing the relationship of this disease to biodiversity in the environment. Fortunately, he is a scientist who can present scientific jargon in plain English. He will talk about environmental factors that impact Lyme Disease risk, how it makes us sick, and why it is spreading. He will also present his thesis that this is a model for the relationship between infectious disease and the environment. I encourage everyone to attend this presentation on February 1<sup>st</sup>. I expect that many of the principles he espouses will be incorporated into our approach to the watershed. I will post the venue when it is confirmed.  
Thank you in advance to the Garden Club and Library for partnering with us in arranging Dr. Ostfeld's presentation.

Thursday, FEBRUARY 6, 2014, at 7:00 p.m. – Presentation on Lakes Management and Watershed

Back in 2007, two Mayors and two administrations ago, the first comprehensive lakes' study was contemplated. Portions of the recommended study were approved and undertaken in 2008 under Mayor Stebbins, and a lakes management plan for our three lake system was presented in 2009.

Since that time: changes in administrations, Tuxedo Park's ongoing participation in lakes' studies, the potential Town "Mulch Pile" impact on our watershed and water quality, the appearance of invasive aquatic species in our lakes and in the landscape, two years' worth of significant weather events, significant construction activities around the lakes, growing concern about invasive plant species in our landscape and impact of deer browse on the forest understory, reappearance of many geese -- it is time to sit back and review where we stand vis-à-vis our lakes and the watershed.

The previous Board, under Mayor Wilson, directed TP's lake consultants, Allied Biological, to review all of the previous studies and data, evaluate the work on lakes

management to date, and make a presentation to the BOT. This meeting will take place on Thursday, February 6<sup>th</sup> as a special meeting of the BOT. I encourage everyone to attend. This should be a wonderful education for us all, and serve as the basis for our lakes and watershed planning going forward.

### **Appointments and Retirement**

The BOT appointed Ralph "Rip" Brooks as Tuxedo Joint Fire District Commissioner for a five year term beginning January 1, 2014.

We say farewell to Water & Wastewater Plant Operator Tom Smith, who has served the Village for 30 years and is retiring in January. And we welcome John Bello as a Water & Wastewater Maintenance Worker, training for the Plant Operator position. John is known to many of you as he has been a Village resident for a number of years with his wife Nicole and their two boys. John has had his own plumbing business in the area for years. John has been working alongside Tom for several months, learning the ropes, so a new face will be reading meters and keeping things flowing. So, we welcome John to the Village workforce and wish him well!

### **Leash Law Clarification**

We have had several issues with dogs running free in the Village, with some resulting in attacks. The Village Code section that addresses dogs can be found in Chapter 32-1 through 32-11. Please take a few minutes to read this on the Village of Tuxedo Park's website: [www.tuxedopark-ny.gov](http://www.tuxedopark-ny.gov) (click on the picture under "Village Code Online" on screen 2), so that you understand it better, for you and your neighbors and our dogs.

Once again, keep warm, stay safe and happy 2014!

Lili Neuhauser, Mayor