

**VILLAGE OF TUXEDO PARK  
BOARD OF TRUSTEES MEETING  
APRIL 16, 2008  
7:30 P.M.**

Present: Mayor Houston Stebbins  
Deputy Mayor Lawrence Darby  
Trustee Christopher Hansen  
Trustee Anna (Tinka) Shaw  
Trustee Charlotte Worthy

Clerk: Deborah A. Matthews

Also: John Ledwith, Sgt. Ken Sanford, Meg Vaught, Jim Burger, Dena Steele, Kathy Biehl, Lucy Edwards, Gardiner Hempel, Alan Heywood, Adrienne Lucas, Bill Bortnowsky, Peter Regna, Mary Graetzer, Robin & David McFadden, Greg Libby, Chiu-Yin Hempel, JoAnn Hanson, Serene Swirbul, Gary Glynn

Mayor Stebbins called the meeting to order and led with Pledge of Allegiance.

## **REPORTS**

### Mayor Stebbins

As a result of comments made at the April 8<sup>th</sup> public hearing on the 2008-2009 Tentative Budget, some modifications have been made.

The Lake Law Revision Panel and the Viewshed committee have submitted detailed reports and revised legislation for Board consideration.

A new policy for steam cleaning of boats entering the Village has been implemented. As part of the policy, all boats must show proof of cleaning before a permit is issued.

Stop logs have been reinstalled in the Wee Wah Dam. There is leaking around the ends of the boards and Weston & Sampson will investigate the problem and propose solutions.

### Deputy Mayor Darby

POLICE – Sgt. Sanford gave a synopsis of March activities. A discussion was held on the two recent burglaries in the Village.

## ADVISORY COMMITTEES

VIAC – Alan Heywood reported the committee is revising project estimates and will present to the Board at a later date.

Wildlife – The Mission Statement of the Wildlife Committee was discussed and accepted by the Board of Trustees. Jim Burger, member of the committee, asked for permission to circulate a

Wildlife Survey Questionnaire to the residents in order to gather community input before making recommendations to the Board. The Board was in agreement to a separate mailing of the questionnaire.

## **BUILDING PERMITS**

### McQuilkin

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the building permit application of William Russell and Robert McQuilkin, 82 Circuit Road, Tax Map No. 107-1-85, for landscape construction that includes walls, paving, plantings, and fencing as approved by the BZA and BAR be approved by the BOT.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – aye  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 5-0 vote.

### Mincey

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the building permit application of William Mincey and Charlotte Worthy, 50 Clubhouse Road, Tax Map No. 107-1-27, for the change in color of the exterior of their home be approved.

Vote of the Board: Trustee Shaw – aye  
Mayor Stebbins - - aye  
Deputy Mayor Darby – aye  
Trustee Hansen – aye  
Trustee Worthy – recused herself

The motion was passed by a 4-0 vote.

### Kaufman and Dyne – Unresolved Code Enforcement Issues

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that authorization be given to the Village Attorney to address, in the best manner possible, legal action regarding the Code violations of the Kaufman boathouse (103-1-27.12) and the Doug Dyne nuisance and property maintenance issues (104-1-9).

Vote of the Board: Trustee Worthy – aye  
Deputy Mayor Darby – aye  
Mayor Stebbins – aye  
Trustee Hansen – aye  
Trustee Shaw – aye

The motion was passed by a 5-0 vote.

**PUBLIC COMMENTS**

Speakers: Lucy Edwards, Meg Vaught, Bill Bortnowsky, Peter Regna, Robin McFadden

Comments: Are residents recycling and has Sterling Carting given feedback; when is bulk pickup day; compliments to Sgt. Sanford and Officer Ascione for investigating the recent burglaries in the Village; commend Village for purchasing new police vehicle rather than used; there should be a notification system implemented to inform all Village residents of serious crimes that happen in the Village.

**UNFINISHED BUSINESS****2008-2009 TENTATIVE BUDGET**

Mayor Stebbins noted that as a result of the April 9<sup>th</sup> public hearing, \$50,000 has been added to the budget for a Lakes Management Study and more funding allowed to the DPW needs.

**PUBLIC HEARING – CONTINUATION**

Mayor Stebbins opened the public hearing at 8:54 p.m.

There were no comments from the public.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the public hearing be closed at 8:55 p.m. The vote was 5-0 in favor.

A lengthy discussion was held. Topics included: 1) capital projects and funding methods, 2) hiring a full time police officer, 3) high legal expenses, 4) surplus funds, 5) unpaid professional fees, delinquent water accounts and garage rental space, etc.

**BOND RESOLUTIONS (SEVEN)**

A discussion was held on whether the Village should approve bond resolutions now for projects or wait until the projects are ready for funding and then authorize the borrowing. Trustee Hansen was opposed to passing bond resolutions at this time.

**Buildings A**

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for Class A Buildings (Sewer and DPW - for the addition to or reconstruction of) within the Village in the amount of \$135,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye

Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Buildings B

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for Class B Buildings (Police Station - for the addition to or reconstruction of) within the Village in the amount of \$50,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Water System

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for Water Supply or Distribution System (acquisition, construction or reconstruction of or addition to) within the Village in the amount of \$1,400,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Sewer System

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for the Sewer System (acquisition, construction or reconstruction of or addition to) within the Village in the amount of \$550,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Dams

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for Dams (construction, reconstruction or addition to reservoirs for the regulation of the flow of streams or rivers within the Village) in the amount of \$875,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Street Lighting

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for Street Lighting within the Village in the amount of \$100,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

Roads

A motion was made by Deputy Mayor Darby, seconded by Trustee Worthy that the Board approve the bond resolution for construction, reconstruction, widening or resurfacing of various highways, roads, streets, parkways and parking areas within the Village in the amount of \$400,000.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – nay  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 4-1 vote.

**LAKE MANAGEMENT**

Trustee Shaw read the recommendation statement of the Environmental Committee as prepared by Chair Sally Spooner. They recommend that the Board of Trustees hire Princeton Hydro to conduct a lake/watershed assessment and create the Lake Management Plan for the Village.

A motion was made by Deputy Mayor Darby, seconded by Mayor Stebbins that the Village enter into an agreement with Princeton Hydro for doing a lake and watershed assessment and to create the Village Lake Management Plan, and that the Mayor be authorized the final contract.

Vote of the Board:     Trustee Shaw – aye  
                          Trustee Hansen – aye  
                          Mayor Stebbins – aye  
                          Deputy Mayor Darby – aye  
                          Trustee Worthy – aye

The motion was passed by a 5-0 vote.

### **APPROVE BUDGETS**

#### General Fund

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board approve the General Fund Budget revised as of April 16, 2008 for aggregate expenses of \$3,541,585 and tax rate of \$39.5263 per \$1,000 of assessed valuation.

Vote of the Board:     Trustee Worthy – aye  
                          Deputy Mayor Darby – aye  
                          Mayor Stebbins – aye  
                          Trustee Hansen – nay  
                          Trustee Shaw – aye

The motion was passed by a 4-1 vote.

#### Water Fund

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board approve the Water Fund Budget revised as of April 16, 2008 in the amount of \$584,145 with no increase in water rates.

Vote of the Board:     Trustee Shaw – aye  
                          Trustee Hansen – aye  
                          Mayor Stebbins – aye  
                          Deputy Mayor Darby – aye  
                          Trustee Worthy – aye

The motion was passed by a 5-0 vote.

**LAKE LAW REVISION PANEL REPORT** – The report will be available in the Village Office and on the Village Website.

**VIEWSHED PROPOSAL FOR GATEWAY OVERLAY DISTRICT**

Gary Glynn, Chairman of the Viewshed Committee, presented changes to the proposed Gateway Overlay District legislation. A discussion was held and a public hearing scheduled. The revised legislation will be posted on the Village Website prior to the public hearing.

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that a public hearing be scheduled for May 8, 2008 at 7:30 p.m. on Local Law Introductory #2 of 2008 – Gateway Overlay District.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – aye  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy – aye

The motion was passed by a 5-0 vote.

**NEW BUSINESS****LAKE LAW PANEL REVISED REPORT – LEGISLATION/LOCAL LAW INTRODUCTORY #4 OF 2008**

A discussion was held on the revised legislation.

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board accept the Lake Law Panel revised recommendations for the legislation on the Lake Law and that a public hearing be scheduled for May 8, 2008 at 7:30 p.m. on Local Law Introductory #4 of 2008-Lake Law.

Vote of the Board: Trustee Worthy – aye  
Trustee Shaw – aye  
Trustee Hansen – aye  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye

The motion was passed by a 5-0 vote.

**VILLAGE BOAT CLUB PROPOSAL** – President Greg Libby presented revised plans for the proposed dock expansion at the Village Water Plant area. The plan consists of three docks which have been moved slightly to the south to lessen the visual impact on neighboring properties. The VBC will fund the docks and construction of the site but will need assistance of the Village DPW for construction of the wall along the water's edge.

The Board advised Mr. Libby to contact the BAR and begin the application and review process with them.

### **TUXEDO JOINT FIRE DISTRICT**

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the Tuxedo Joint Fire District (Tuxedo Park Fire Department, Eagle Valley Volunteer Fire Company and Sterling Forest Volunteer Fire Company) be given permission by the Board of Trustees to hold its biennial picnic for its members and families at the Wee Wah Beach area on Saturday, August 9, 2008 with a rain date of Sunday, August 10, 2008.

Vote of the Board: Trustee Worthy – aye  
Deputy Mayor Darby – aye  
Mayor Stebbins – aye  
Trustee Hansen – aye  
Trustee Shaw – aye

The motion was passed by a 5-0 vote.

### **APPOINT FULL TIME POLICE OFFICER**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that Kevin Burshell be appointed as a full time Police Officer at a Grade 5 salary, effective May 5, 2008.

Vote of the Board: Deputy Mayor Darby – aye  
Trustee Hansen – aye  
Trustee Shaw – aye  
Mayor Stebbins – aye  
Trustee Worthy – aye

The motion was passed by a 5-0 vote.

### **APPOINT ELECTION INSPECTORS**

A motion was made by Mayor Stebbins, seconded by Trustee Hansen that the following persons be appointed Election Inspectors for the Village Election being held on Tuesday, June 17, 2008: Teddy Darling and Joyce LaBar at the rate of \$12.50 per hour and Nils Gerling, as Election Inspector and Chairperson, at the rate of \$14.50 per hour.

Vote of the Board: Trustee Worthy – aye  
Deputy Mayor Darby – aye  
Mayor Stebbins – aye  
Trustee Hansen – aye  
Trustee Shaw – aye

The motion was passed by a 5-0 vote.



**VOTER REGISTRATION DAY**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that Village Voter Registration Day be held on Saturday, June 7, 2008 from 12:00 noon to 5:00 p.m. in the Village Hall.

Vote of the Board: Trustee Shaw - - aye  
Trustee Hansen – aye  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye  
Trustee Worthy - - aye

The motion was passed by a 5-0 vote.

**AUDIT OF CLAIMS** - Bills in the amount of \$175,408.76 for the General Fund, claim numbers 4-1 to 4-97, and \$15,626.00 for the Water Fund, claim numbers W4-1 to W4-18 were audited and ordered paid.

**ADJOURN TO EXECUTIVE SESSION**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the Board enter Executive Session at 11:50 p.m. to discuss litigation. The vote was 5-0 in favor.

**RE-OPEN REGULAR SESSION**

A motion was made by Mayor Stebbins, seconded by Trustee Worthy that the Board re-open regular session at 12:30 a.m. The vote was 5-0 in favor.

**STERLING PLACE**

A motion was made by Mayor Stebbins, seconded by Deputy Mayor Darby that the following resolution be approved regarding a settlement with Sterling Place:

Resolved, that the terms and provisions of the proposed Settlement Agreement between Sterling Forest, LLC and the Village of Tuxedo Park in the form presented to this meeting be and hereby are approved in all respects and that the Mayor of the Village of Tuxedo Park be and hereby is authorized to execute and deliver on behalf of the Village of Tuxedo Park a Settlement Agreement in substantially such form, with such changes not materially affecting the material economic terms of the Settlement Agreement as the Mayor shall approve, such approval to be conclusively evidenced by his execution and delivery thereof.

Vote of the Board: Trustee Shaw – aye  
Trustee Hansen – aye  
Mayor Stebbins – aye  
Deputy Mayor Darby – aye

Trustee Worthy – aye

The motion was passed by a 5-0 vote.

**ADJOURNMENT**

A motion was made by Mayor Stebbins, seconded by Trustee Shaw that the meeting be adjourned at 12:45 a.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews  
Village Clerk-Treasurer

These minutes were approved by the BOT on 7/8/09.